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No. 43]

NEW DELHI, SATURDAY, OCTOBER 24, 1987/KARTIKA 2, 1909

इस भाग में भिन्न पाँच संस्थाएँ आती हैं जिससे कि यह असता संकलन के लिए भी
रहा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-Section (ii)

(रक्षा मंत्रालय को छोड़ कर) भारत सरकार के मंत्रालयों द्वारा आरोपित गए सार्विधिक जावेश और अधिकाराएँ
Statutory Orders and Notifications issued by the Ministries of the Government of India (other than
the Ministry of Defence)

वित्त मंत्रालय

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 6 अक्टूबर, 1987

का. आ. 2891:—राष्ट्रीयकृत बैंक (प्रबंध और प्रक्रिये उपचार) स्कीम, 1970 के खंड 9 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारत सरकार निर्देश देती है कि श्री सलामत उल्लाह, ए-3, हजरत निजामुद्दीन बेस्ट, नई दिल्ली, जो भारत सरकार, वित्त मंत्रालय, आर्थिक कार्य विभाग (बैंकिंग प्रभाग) की दिनांक 11 अक्टूबर, 1984 की अधिसूचना सं. एफ. 9/29/84-बीओ-I के तहत पंजाब नेशनल बैंक के निदेशक नियुक्त किए गए थे, दिनांक 11 अक्टूबर, 1987 से निदेशक नहीं रहेंगे।

[संख्या एफ. 9/37/87-बीओ-I]

MINISTRY OF FINANCE
(Department of Economic Affairs)

(Banking Division)

New Delhi, the 6th October, 1987

S.O. 2891.—In exercise of the powers conferred by clause 9 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government is pleased to direct that Shri Salamat Ullah, A-3, Hazrat Nizamuddin West, New Delhi appointed as Director of the Punjab National Bank under Notification of the Government of India in the Ministry of Finance, Department of Economic Affairs (Banking Division), No. F. 9/29/84-BO.I dated 11th October, 1984 shall cease to hold the office of Director with effect from 11th October, 1987.

[No. F. 9/37/87-BO.I]

का. आ. 2892:—भारतीय औद्योगिक विकास बैंक अधिनियम, 1964 (1964 का 18) की धारा 6 की उपधारा (1) के खंड (ग) के उपखंड (4) के अनुसरण में, केन्द्रीय सरकार एतद्वारा बैंक आफ इंडिया, बम्बई के अध्यक्ष एवं प्रबंध निदेशक श्री आर. श्रीनिवासन को भारतीय औद्योगिक विकास बैंक का निदेशक नियुक्त करती है।

[सं. 7/1/87-बीओ-I]

S.O. 2892.—In pursuance of sub-clause (iv) of clause (c) of sub-section (1) of section 6 of the Industrial Development Bank of India Act, 1964 (18 of 1964), the Central Government hereby nominates Shri R. Srinivasan, Chairman and Managing Director, Bank of India, Bombay as the Director of the Industrial Development Bank of India.

[No. F. 7/1/87-B]

नई दिल्ली, 7 अक्टूबर, 1987

का.आ. 2893.—राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उपबन्ध) स्कीम, 1980 के खण्ड 8 के उपखंड (1) के साथ पठित खंड 3 के उपखंड (क) के अनुमरण में केन्द्रीय सरकार, भारतीय गिर्जबैंक से परामर्श करने के पश्चात्, श्री अवतार सिंह बग्गा को 13 अक्टूबर, 1987 से आरम्भ होने वाली और 12 दिसम्बर, 1987 को समाप्त होने वाली अवधि के लिये पंजाब एण्ट सिध बैंक के प्रबंध निदेशक के रूप में पुनः नियुक्त करती है।

[मंख्या एफ. 9/38/87-बी.ओ.-I(1)]

New Delhi, the 7th October, 1987

S.O. 2893.—In pursuance of sub-clause (a) of clause 3 read with sub-clause (1) of clause 8 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1980, the Central Government, after consultation with the Reserve Bank of India, hereby reappoints Shri Autar Singh

Bagga as the Managing Director of the Punjab and Sind Bank for a period commencing on October 13, 1987 and ending with December 12, 1987.

[No. F. 9/38/87-BO. I(1)]

का.आ. 2894.—राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उपबन्ध) स्कीम, 1980 के खण्ड 7 के साथ पठित खंड 5 के उपखंड (1) के अनुमरण में, केन्द्रीय सरकार, भारतीय गिर्जबैंक से परामर्श करने के पश्चात्, श्री अवतार सिंह बग्गा की जिन्हें 13 अक्टूबर, 1987 से पंजाब एण्ट सिध बैंक के प्रबंध निदेशक के रूप में पुनः नियुक्त किया गया है, उसी तारीख से पंजाब एण्ट सिध बैंक के निदेशक बोर्ड के अध्यक्ष के रूप में नियुक्त करती है।

[मं. एफ. 9/38/87-बी.ओ.-I(2)]

प्रस.एम. हसुरकर, निदेशक

S.O. 2894.—In pursuance of sub-clause (1) of clause 5, read with clause 7 of the Nationalised Banks, (Management and Miscellaneous Provisions) Scheme, 1980, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri Autar Singh Bagga who has been re-appointed as Managing Director of the Punjab and Sind Bank with effect from October 13, 1987 to be the Chairman of the Board of Directors of the Punjab and Sind Bank with effect from the same date.

[No. F. 9/38/87-BO. I(2)]

S. S. HASURKAR, Director

नई दिल्ली, 8 अक्टूबर, 1987

का.आ. 2895 :—राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उपबन्ध) स्कीम, 1970 के खण्ड 3 के उपखण्ड (ज) के अनुमरण में केन्द्रीय सरकार एतद्वारा नीति की सारणी के कालम (2) में उल्लिखित व्यक्ति को उन के मामले उसी सारणी के कालम (3) में उल्लिखित व्यक्तियों के स्थान पर सारणी के कालम (1) में विए गए राष्ट्रीयकृत बैंकों के निदेशक के रूप में नियुक्त करती है :—

सारणी

(1)

(2)

(3)

1. पंजाब नेशनल बैंक

श्री वी.पी. माहनी,
अपर मंत्रित,
वित्त मंत्रालय,
आर्थिक कार्य विभाग
(बैंकिंग प्रभाग),
नई दिल्ली

श्री म.नी. बुच

2. बैंक आफ महाराष्ट्र

श्री मन्त्रेश्वर जा.,
संयुक्त सचिव,
वित्त मंत्रालय,
आर्थिक कार्य विभाग
(बैंकिंग प्रभाग),
नई दिल्ली

श्री प्रदीप कुमार

[मंख्या एफ. 9/2/87-बी.ओ.-I]
प्रम. प्रस. सीतारामन, अवर. सचिव

New Delhi, the 8th October, 1987

S.O. 2895.—In pursuance of sub-clause (b) of clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government hereby

appoints the persons specified in column (2) of the Table below as Director of the nationalised banks specified in column (1) thereof in place of the persons specified in the corresponding entry in column (3) of the Table:—

TABLE

(1)	(2)	(3)
1. Punjab National Bank	Shri V.P. Sawhney, Additional Secretary, Ministry of Finance, Deptt. of Economic Affairs (Banking Division), New Delhi	Shri M.N. Buch
2. Bank of Maharashtra	Shri Mantreshwar Jha, Joint Secretary, Ministry of Finance, Deptt. of Economic Affairs (Banking Division), New Delhi	Shri Pradeep Kumar

[No. F. 9/2/87-B. O.-I]
M. S. SEETHARAMAN, Under Secy.

केन्द्रीय प्रत्यक्ष कर थोड़

दिल्ली, 19 जून, 1987

आयकर

का० आ० 2896—आयकर अधिनियम, 1961 (1961 का 43) को धारा 126 द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, केन्द्रीय प्रत्यक्ष कर थोड़ निदेश देना है कि इसके माध्यम संलग्न अनुसूची के स्तम्भ 2 में विनिर्दिष्ट थोकों के संबंध में आयकर अधिनियम की धारा 133 और 133-बि के उपनिवेशों के अनुमरण में, तत्संबंधी प्रविष्टि के सामने स्तम्भ 3 में विनिर्दिष्ट आयकर अधिकारी कार्य निर्वहन करें।

2. इसके अतिरिक्त, आयकर अधिनियम, 1961 (1961 का 43) को धारा 120 द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, केन्द्रीय प्रत्यक्ष कर थोड़ निदेश देना है कि उक्त अनुसूची के स्तम्भ 4 में तत्संबंधी प्रविष्टि के सामने उल्लिखित निरीक्षण निदेशक (जांच), स्तम्भ 3 में उल्लिखित आयकर अधिकारियों के उक्त कार्यों के संबंध में स्तम्भ 2 में विनिर्दिष्ट थोकों के आयकर आयकरों का कार्य निर्वहण करें:—

अनुसूची

क्रमांक	क्षेत्र	आयकर अधिकारी	निरीक्षण निदेशक (जांच)
1	2	3	4
1.	दिल्ली के प्रधान कार्यालयों के सभी आयकर आयकरों के क्षेत्राधिकार में आने वाले क्षेत्र	निरीक्षण निदेशक (जांच), दिल्ली-I के निरीक्षण निदेशक (जांच), दिल्ली-I एकमात्र प्रशासनिक नियंत्रण के अन्तर्गत रखे गए आयकर अधिकारी (सर्वेक्षण एवं केन्द्रीय सूचना शाखा)	
2.	आयकर आयकर हरियाणा, अमृतसर, जांधर, भोपाल, जबलपुर और विदर्भ के क्षेत्राधिकार में आने वाले क्षेत्र	निरीक्षण निदेशक (जांच), दिल्ली-II निरीक्षण निदेशक (जांच), दिल्ली-II के एकमात्र प्रशासनिक नियंत्रण के अन्तर्गत रखे गए आयकर अधिकारी (सर्वेक्षण एवं केन्द्रीय सूचना शाखा)	
3.	बम्बई स्थित प्रधान कार्यालयों के सभी आयकर आयकरों तथा आयकर आयकर पुणे, कोल्हापुर एवं तासिक के क्षेत्राधिकार में आने वाले क्षेत्र	निरीक्षण निदेशक (जांच), बम्बई के निरीक्षण निदेशक (जांच), बम्बई एकमात्र प्रशासनिक नियंत्रण के अन्तर्गत रखे गए आयकर अधिकारी (सर्वेक्षण एवं केन्द्रीय सूचना शाखा)	
4.	करकन्ता स्थित प्रधान कार्यालयों के सभी आयकर आयकरों और आयकर आयकर उर्द्दीभा एवं आयकर आयकर इनरनूर्दी प्रदेश के अन्तर्गत आने वाले क्षेत्र	निरीक्षण निदेशक (जांच), करकन्ता के निरीक्षण निदेशक (जांच) करकन्ता। एकमात्र प्रशासनिक नियंत्रण के अन्तर्गत रखे गए आयकर अधिकारी (सर्वेक्षण एवं केन्द्रीय सूचना शाखा)	

1	2	3	4
5.	मद्रास स्थित प्रधान कार्यालयों के सभी आयकर आयुक्तों एवं आयकर शायुक्त मदुरै, कोयम्बटूर, कोचीन व दिवेन्द्रम के क्षेत्राधिकार में आने वाले क्षेत्र	निरीक्षण निदेशक (जांच), मद्रास के एकमात्र प्रशासनिक नियंत्रण के अन्तर्गत रखे गए आयकर अधिकारी (सर्वेक्षण एवं केन्द्रीय सूचना शाखा)	निरीक्षण निदेशक (जांच), मद्रास।
6.	अहमदाबाद स्थित प्रधान कार्यालयों के सभी आयकर आयुक्तों और आयकर आयुक्त मुरत, राजकोट, वडोदा, जयपुर व जोधपुर के अधिकार क्षेत्र में आने वाले क्षेत्र	निरीक्षण निदेशक (जांच), अहमदाबाद के एकमात्र प्रशासनिक नियंत्रण के अन्तर्गत रखे गए आयकर अधिकारी (सर्वेक्षण एवं केन्द्रीय सूचना शाखा)	निरीक्षण निदेशक (जांच), अहमदाबाद।
7.	आयकर लायक्स, लखनऊ, आगरा, मेरठ, कानपुर, हलाहालाबाद, पटना और रांची के क्षेत्राधिकार में आने वाले क्षेत्र	निरीक्षण निदेशक (जांच), कानपुर के अन्तर्गत प्रशासनिक नियंत्रण के अन्तर्गत रखे गए आयकर अधिकारी (सर्वेक्षण एवं केन्द्रीय सूचना शाखा)	निरीक्षण निदेशक (जांच), कानपुर।
8.	हैदराबाद और बंगलौर स्थित प्रधान कार्यालयों के सभी आयकर आयुक्तों और आयकर आयुक्त, विशाखापत्तनम के क्षेत्राधिकार में आने वाले क्षेत्र	निरीक्षण निदेशक (जांच), हैदराबाद के एकमात्र प्रशासनिक नियंत्रण के अन्तर्गत रखे गए आयकर अधिकारी (सर्वेक्षण एवं केन्द्रीय सूचना शाखा)	निरीक्षण निदेशक (जांच), हैदराबाद।

यह अधिसूचना और आदेश तत्वात्मक नाम होंगे।

[सं० 7355/ (फा० सं० 187/5/87-आ०क० (नि०-I))]

क० क० त्रिपाठी, सचिव,
केन्द्रीय प्रत्यक्ष कर बोर्ड

CENTRAL BOARD OF DIRECT TAXES

New Delhi, the 19th June, 1987

(INCOME-TAX)

S.O.2896.—In exercise of the powers conferred by Section 126 of the Income-tax, Act, 1961 (43 of 1961), the Central Board of Direct Taxes directs that the functions in pursuance of the provisions of Sections 133 and 133B of the Income-tax Act in respect of the areas specified in Column 1 of the Schedule hereto annexed shall be performed by the Income-tax Officers specified in Column 2 thereof against the corresponding entry.

2. Further, in exercise of the powers conferred by Section 120 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes directs that the Directors of Inspection (Investigation specified against the corresponding entry in Column 4 of the said Schedule shall perform the functions of the Commissioners of Income-tax in respect of the areas specified in Column 2 thereof in relation to the said functions of the Income-tax Officers specified in Column 3 thereof.

SCHEDULE

Sl. No.	Areas	Income-tax Officers	Directors of Inspection (Inv.)
1	2	3	4
1.	Areas comprised in the jurisdiction of all the Commissioners of Income-tax having Headquarters at Delhi.	Income-tax Officers (Survey-cum-CIB) placed under the exclusive administrative control of Director of Inspection (Inv.) Delhi-1.	Director of Inspection (Inv.) Delhi-1.

1	2	3	4
2.	Areas comprised in the jurisdiction of the Commissioners of Income-tax, Haryana, Amritsar, Jullundur, Bhopal, Jabalpur and Vidharbha.	The Income-tax Officers (Survey-cum-CIB) placed under the exclusive administrative control of the Director of Inspection (Inv.), Delhi-II.	Director of Inspection (Inv.) Delhi-II.
3.	Areas comprised in the jurisdiction of all the Commissioners of Income-tax having Headquarters at Bombay and the Commissioners of Income-tax Pune, Kolhapur & Nasik.	Income-tax Officers (Survey-cum-CIB) placed under the exclusive administrative control of Director of Inspection (Inv.), Bombay.	Director of Inspection (Inv.), Bombay
4.	Areas comprised in the jurisdiction of all the Commissioners of Income-tax having Headquarters at Calcutta and Commissioner of Income-tax, Orissa and Commissioner of Income-tax, North Eastern Region.	Income-tax Officers (Survey-cum-CIB) placed under the exclusive administrative control of Director of Inspection (Inv.) Calcutta.	Director of Inspection (Inv.), Calcutta.
5.	Areas comprised in the jurisdiction of all the Commissioners of Income-tax having Headquarters at Madras and Commissioners of Income-tax, Madurai, Coimbatore, Cochin and Trivandrum.	Income-tax Officers (Survey-cum-CIB) placed under the exclusive administrative control of Director of Inspection (Inv.) Madras.	Director of Inspection (Inv.) Madras.
6.	Areas comprised in the jurisdiction of all the Commissioners of Income-tax having Headquarters at Ahmedabad and Commissioners of Income-tax, Surat, Rajkot, Baroda, Jaipur & Jodhpur.	Income-tax Officers (Survey-cum-CIB) placed under the exclusive administrative control of Director of Inspection (Inv.), Ahmedabad.	Director of Inspection (Inv.), Ahmedabad.
7.	Areas comprised in the jurisdiction of the Commissioners of Income-tax, Lucknow, Agra, Meerut, Kanpur, Allahabad, Patna and Ranchi.	Income-tax Officers (Survey-cum-CIB) placed under the exclusive administrative control of Director of Inspection (Inv.) Kanpur.	Director of Inspection (Inv.) Kanpur.
8.	Areas comprised in the jurisdiction of all the Commissioners of Income-tax having Headquarters at Hyderabad and Bangalore and the Commissioner of Income-tax, Vishakahpatnam.	Income-tax Officers (Survey-cum-CIB) placed under the exclusive administrative control of Director of Inspection (Inv.) Hyderabad.	Director of Inspection (Inv.) Hyderabad.

This notification and order shall take effect immediately.

[No. 7355 (F. No. 87/5/87-ITA (I)]
K.K. TRIPATHI, Secy. Central Board of Direct Taxes

वाणिज्य मंत्रालय
(मुख्य नियंत्रक आयात-नियंत्रित का कार्यालय)
नई दिल्ली, 6 अक्टूबर, 1987
आदेश

का० आ० 2897 :—मैसर्स राजश्री मेटल एण्ड स्टील कारपोरेशन, बी-३५, सेक्टर ९, नोएंडा कम्प्लेक्स जिला गजियाबाद, उत्तर प्रदेश ने मुख्यालय की पूरक लाइसेंसिंग समिति के निर्णय के अनुमान, ५० मी० टन मात्रा के मध्य

सैकेन्ड्स/सैकेन्ड ग्रेड/डिफेक्टिव/कटिंग्स/ग्रीट्स/कायल्स/किसी भी आकार/सैक्षण लेपित/अलेपित में स्ट्रिप्स के आयात के लिए इस कार्यालय से अनुप्रक आयात लाइसेंस सं० पी०/एस०/ 200011, दिनांक 14-९-८७, मूल्य 2,05,000 रुपए प्राप्त किया है।

2. मेरे नोटिस में यह आया है कि पार्टी ने यह लाइसेंस धोंड्वे में और नव्यों/मूल्चनाओं के मिश्या-प्रभ्यवेदन में प्राप्त किया है क्योंकि प्रायोजक प्राधिकारी ने कम्पनी के आवेदन-पत्र की मिफारिश नहीं की थी।

3. मैं संतुष्ट हूँ कि मूल लाइसेंस दिनांक 14-9-87 जिस उद्देश्य के लिए दिया गया था उसे पूरा नहीं करेगा। यथासंशोधित आयात नियंत्रण, आदेश 1955 दिनांक 7-12-1955 की उप-कंडिका 9-(क) द्वारा प्रदत्त अधिकारों का प्रयोग करने हुए मैं पत्रद्वारा आयात लाइसेंस गं. ० पी/एस०/2000211 दिनांक 14-9-87 को रद्द करता हूँ।

[फा०म० मय०/एम०-4/602/एस०एस०आई०/ए०एम०-88/एस०एल०एम०/698]

MINISTRY OF COMMERCE

(Office of the Chief Controller of Imports and Exports)

New Delhi, the 6th October, 1987

ORDER

S.O. 2897.—M/s. Rajashree Metal & Steel-1 Corporation, B-35, Sector IX, Noida Complex District Ghaziabad, U. P. have obtained Supplementary Import Licence No. P/S/2000211 dated 14-9-87 for Rs. 2,05,000 from this office for import of All Seconds|Second grades|Defectives|Cuttings|Sheets/Coils/Strips in any shape|Section Coated|Uncoated. Quantity 50 M. T. as per decision of Head Quarter Supplementary licensing committee.

2. It has come to my notice that the party has obtained this import licence by fraud and mis-representation of facts|information because the application of the company was not recommended by the sponsoring authority.

3. I am satisfied that the original licence dated 14-9-87 will not serve the purpose for which the same was granted. In exercise of the powers conferred under Sub-Clause 9(a) of Import Control Order 1955 dated 7-12-1955 as amended, I hereby cancel the Import Licence No. P/S/2000211 dated 14-9-1987.

[F. No. Supp.|S-4|602|SSI|AM. 88|SLS|698]

आदेश

का०आ० 2898 :—मैं सेनिफेक्स स्टील एण्ड इन्जिनियरिंग क० डी०-१६-सैक्टर-५, नोएडा काम्पलैक्स, जिला गाजियाबाद (उ० प्र०) ने मुख्यालय की अनुप्रूपक लाइसेंस समिति के निर्णय अनुसार सभी सेकेंड्स/सेकेन्ड ग्रेड्स/डिफेक्ट्स/कार्टिंग्स/शीट्स/क्वायल्स/किसी भी आकार में स्ट्रिप्स/सैक्शन कोटिंग/अनकोटिंग मात्रा 50 मी० टन तथा 50 मी० टन मात्रा के टिन प्लेट बेस्ट, 0.25 मी० मी० तथा उससे कम मोटाई के बेस्ट लेकिन मिल एकसे तथा ओवर रन को छोड़कर के आयात के लिए इस कार्यालय, से 4,35000/-रु० का एक अनुप्रूपक आयात लाइसेंस गं. ० पी/एस/2000225 दिनांक 16-9-87 प्राप्त किया था।

2. मेरे नोटिस मेरे यह आप्त है कि पार्टी ने यह आयात लाइसेंस धोखे तथा तथ्यों/सूचनाएँ के मिथ्या निरूपण से प्राप्त किया है चूंकि कम्पनी के आवेदन-पत्र की प्रायोजक प्राधिकारी ने मिफारिश नहीं की थी।

3. मैं संतुष्ट हूँ कि मूल लाइसेंस दिनांक 16-9-87 उस प्रयोजन को पूरा नहीं करेगा जिसके लिए वह जारी

किया गया था। यथा संशोधित आयात नियंत्रण आदेश 1955 दिनांक 7-12-1955 की उप-धारा 9(क) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए आयात लाइसेंस गं. ० पी०/एस०/2000225, दिनांक 16-9-87 को मैं पत्रद्वारा रद्द करता हूँ।

[फा० मं. एम०य०पी०/पी/एस-4/604/एस आई/ए०एम०-88/एस०एल०एम०/701]

एस एल एस/701]

ORDER

S.O. 2898.—M/s. Sanifix Steel and Engineering Co., D. 16, Sector V, Noida Complex, District Ghaziabad (U. P.), have obtained Supplementary Import Licence No. P/S/2000225 dated 16-9-87 for Rs. 4,35,000 from this office for import of All Seconds|Second grades|Defectives|Cuttings|Sheets|Coils|Strips in any shape|Section Coated|Uncoated Quantity 50 M. T. and Tin plate waste of thickness 0.25 mm and below but excluding mill excess and over runs. Quantity 50 M. T. as per decision of Head Quarter supplementary licensing committee.

2. It has come to my notice that the party has obtained this import licence by fraud and mis-representation of facts|information because the application of the company was not recommended by the sponsoring authority.

3. I am satisfied that the original licence dated 16-9-87 will not serve the purpose for which the same was granted. In exercise of the power conferred under Sub-Clause 9(a) of Import Control Order 1955 dated 7-12-1955, as amended, I hereby cancel the Import Licence No. P/S/2000225 dated 16-9-87.

[F. No. Supp|S-4|604|SSI|AM. 88|SLS|701]

आदेश

का०आ० 2899 :—मैसर्स सनाट मैटल इंडस्ट्रीज, बी-३४, सेक्टर-९, नौएडा काम्पलैक्स जिला गाजियाबाद (उत्तर प्रदेश) ने इस कार्यालय से 50 मी० टन के सभी सैकिन्ड्स/सैकेन्ड/ग्रेड्स/डिफैक्ट्स/कार्टिंग्स/शीट्स/क्वायल्स/किसी भी आकार में स्ट्रिप्स/सैक्शन कोटिंग/अनकोटिंग मात्रा 50 मी० टन टिन प्लेट बेस्ट/0.25 मी० मी० या उससे कम मोटाई के, परन्तु मिल एकसे तथा मुख्यालय की अनुप्रूपक लाइसेंसिंग भर्मिति के यथा निणवानुसार ओवररन को छोड़कर, का आयात करने के लिए अनुप्रूपक आयात लाइसेंस गं. ० पी०/एम० 200012 दिनांक 14-9-88 प्राप्त किया था।

2. यह बात मेरे ध्यान में आई है कि पार्टी ने धोखा-धड़ी तथा तथ्यों/सूचनाओं का मिथ्या निरूपण करके यह लाइसेंस प्राप्त किया है क्योंकि प्रायोजित प्राधिकारी द्वारा कम्पनी के आवेदन पत्र की मिफारिश नहीं की गई थी।

3. मैं संतुष्ट हूँ कि मूल लाइसेंस दिनांक 14-9-87 वह उद्देश्य पूरा नहीं करेगा जिसके लिए उसे जारी किया गया था। यथा संशोधित आयात नियंत्रण आदेश 1955 दिनांक 7-12-1955 की उप-धारा 9(क) के अन्तर्गत प्रदत्त अधिकारों का प्रयोग करते हुए मैं आयात लाइसेंस गं. ० पी०/एम०/2000212 दिनांक 14-8-87 को पत्रद्वारा रद्द करता हूँ।

[फा० मं. मप्ली/एम०-4/601/एसएमआई/88/एम०एन०-एस० 700]

ORDER

S.O. 2899.—M/s. Samrat Metal Industries, B-34, Sector IX, Noida Complex, District Ghaziabad (U.P.), have obtained Supplementary Import-liscence No. P/S/2000212 dated 14-9-87 for Rs. 4,35,000 from this Office for import of 50 M.T. of all Seconds|Second Grades|Defectives|Cuttings|Sheets|Coils|Strips in any shape|Section Coated|Uncoated and 50 M.T. of Tin Plate Waste of thickness 0.25 mm and below but excluding mill excess and over runs as per decisions of Head Quarter Supplementary Licensing Committee.

2. It has come to my notice that the party has obtained this Import Licence by fraud and mis-representation of facts|information because the application of the company was not recommended by the Sponsoring authority.

3. I am satisfied that the original Licence dated 14-9-87 will not serve the purpose for which the same was granted. In exercise of the powers conferred under Sub-Clause 9(a) of Import Control Order, 1955 dated 7-12-1955 as amended I hereby cancel the Import Licence No. P/S/2000212 dated 14-9-87.

[F. No. Suppl/S-4/601|SSI|AM. 88|SLS|700]

आदेश

का० आ० 2900:—मैसर्स रायसीना फैब्रिकेटर्स एंड स्टील कार्पोरेशन, ए-43, सैक्टर-5, नौएडा कम्पलैक्स, जिंगाजियाबाद (उत्तर प्रदेश) ने 2,05,000/-रुपये के लिए सभी सैकिन्ड्स/सैकिन्ड ग्रेड्स/डिकॉटिव्स/कटिंग्स/शीट्स/कॉर्टिंग्स/किसी भी शेष में स्ट्रिप्स/सैक्शन कोटिंग/अन कोटिंग मात्रा 50 मी० टन का आयात करने के लिए और 0.25 एम० एम० और कम की मोटाई वाली टिन व्लेट वेस्ट जिसमें मिल एकसिस शामिल न हो और 2,30,000/-रुपये के लिए 50 मी० टन मात्रा की ओवर रन्स का आयात करने के लिए 4,35,000/-रुपये के लिए अनुपूरक आयात लाइसेंस सं० पी०/एस०/2000226, दिनांक 16-9-1987 को मुख्यालय की अनुपूरक लाइसेंसिंग समिति के निर्णय के अनुसार प्राप्त किया था।

2. यह मेरे नोटिस में आना है कि पार्टी ने यह आयात लाइसेंस धोखा-धड़ी और तथ्यों/सूचना के मिथ्या निश्चय से प्राप्त किया है क्योंकि कम्पनी के आवेदन-पत्र पर सिफारिश प्रायोजक प्राधिकारी द्वारा नहीं की गई थी।

3. मैं संतुष्ट हूँ कि दिनांक 16-9-1987 को जारी किया गया मूल लाइसेंस जिस उद्देश्य के लिए जारी किया गया था उसको पूरा नहीं करेगा। यथा संशोधित आयात नियंत्रण आदेश 1955 दिनांक 7-12-1955 की उपधारा 9(क) के अधीन प्रदत्त अधिकारों का प्रयोग करते हुए मैं एतद्वारा आयात लाइसेंस सं० पी०/एस०/2000226, दिनांक 16-9-1987 को रद्द करता हूँ।

[फाइल सं० सपलिमेन्ट्री/एस०-4/603/एस० एस० आई०/88/एस० एल० एस० /699]

पाल वेक, उप मुख्य नियंत्रक आयात निर्यात

ORDER

S.O. 2900.—M/s. Raisina Fabricators and Steel Co-operation, A-43, Sector-V, Noida Complex, District Ghaziabad (U.P.) have obtained supplementary Import Licence No.

P/S/2000226 dated 16-9-87 for Rs. 4,35,000 from this Office for import of all seconds|Second-Grades|Defectives|Cuttings|Sheets|Coils|Strips in any shape|Section coated|Uncoated Quantity 50 M.T. for Rs. 2,05,000 and Tin Plate Waste of thickness 0.25 mm and below but excluding mill excess and over runs Quantity 50 M.T. for Rs. 2,30,000 as per decision of Head Quarter Supplementary Licensing Committee.

2. It has come to my notice that the party has obtained this Import Licence by fraud and mis-representation of facts|information because the application of the company was not recommended by the Sponsoring authority.

3. I am satisfied that the original Licence dated 16-9-87 will not serve the purpose for which the same was granted. In exercise of the powers conferred under Sub-Clause 9(a) of Import Control-Order 1955 dated 7-12-55 as amended, I hereby cancel the Import-Licence No. P/S/2000226 dated 16-9-87.

[F. No. Supp.|S-4|603|SSI|88|SLS|699]
PAUL BECK, Dy. Chief Controller
of Import and Exports

उद्योग मंत्रालय

(कम्पनी कार्य विभाग)

नई दिल्ली, 9 अक्टूबर, 1987

का० आ० 2901:—कम्पनी अधिनियम, 1956 (1956 का 1) की धारा 4-क के उपखंड (2) में प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, 'भारत सरकार', विधि न्याय और कम्पनी कार्य विभाग (कम्पनी कार्य विभाग) की अधिसूचना सा०आ०संख्या 1329 दिनांक, 13 मई, 1978, में एतद्वारा निम्नलिखित संशोधन करती है अर्थात्:—

कथित अधिसूचना में विद्यमान प्रविष्टि (1) के स्थान पर निम्नलिखित प्रविष्टि प्रतिस्थापित की जाएगी, अर्थात्:—

(1) भारतीय औद्योगिक पुनर्गठन बैंक अधिनियम, 1984 (1984 का 62) के अन्तर्गत संस्थापित "भारतीय औद्योगिक पुनर्गठन बैंक".

[फा० सं० 5/7/76-सै० एल० -5]

MINISTRY OF INDUSTRY

(Department of Company Affairs)

New Delhi, the 9th October, 1987

S.O. 2901.—In exercise of the powers conferred by sub-section (2) of section 4A of the Companies Act, 1956 (1 of 1956), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Law, Justice and Company Affairs (Department of Company Affairs) No. S.O. 1329, dated the 13th May, 1978, namely:—

In the said notification, for the existing entry (1), the following entry shall be substituted, namely:—

"(1) The Industrial Reconstruction Bank of India established under the Industrial Reconstruction Bank of India Act, 1984 (62 of 1984)."

[F. No. 5/7/76-CL.V]

का० आ० 2902:—कम्पनी अधिनियम, 1956 (1956 का 1) की धारा 81 की उपधारा (3) के खंड (ख) के परन्तुक के खंड (ख) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, भारत सरकार विधि न्याय और कम्पनी कार्य विभाग (कम्पनी कार्य विभाग) की अधिसूचना

संख्या सा. आ. 2577, दिनांक 30 जुलाई, 1977 में एतद्वारा निम्नलिखित संशोधन करती है, अर्थात् :—

कथित अधिसूचना में विद्यमान प्रविष्टि (6) के स्थान पर निम्नलिखित प्रविष्टि प्रतिस्थापित की जाएगी, अर्थात् :—

“(6) भारतीय औद्योगिक पुनर्गठन बैंक अधिनियम, 1984 (1984 का 62) के अन्तर्गत संस्थापित भारतीय औद्योगिक पुनर्गठन बैंक”

[फा. सं. 5/7/76-सी.एल.-5]
यू.पी. माथुर, निदेशक

S.O. 2902.—In exercise of the powers conferred by clause (b) of the proviso to clause (b) of sub-section (3) of section 81 of the Companies Act, 1956 (1 of 1956), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Law, Justice and Company Affairs (Department of Company Affairs) No. S.O. 2577, dated the 30th July, 1977, namely—

In the said notification, for the existing entry (vi), the following entry shall be substituted, namely :—

“(vi) The Industrial Reconstructions Bank of India established under the Industrial Reconstruction Bank of India Act, 1984 (62 of 1984).”

[F. No. 5/7/76-CL.V]
U. P. MATHUR, Director

(रसायन और पैट्रोरसायन विभाग)

नई दिल्ली, 12 अक्टूबर, 1987

का. आ. 2903 :—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि महाराष्ट्र

राज्य में गांव शाहाबाण महसिक आजिबाग जिला रायगढ़ में पैट्रोलियम तेल अथवा नैसर्जिक गैस अथवा एकलउट अथवा अन्य खनिज पदार्थों के परिवहन के लिए पाईप लाईन इंडियन पैट्रोकेमिकल्स कापोरेशन लिमिटेड महाराष्ट्र गैस केंकर काम्प्लेक्स विभाग, विलैपार्ले (पश्चिम), मुर्बी द्वारा विभाई जानी चाहिए।

और यतः प्रतीत होता है कि ऐसी लाईनों को विभाने के प्रयोजन के लिए एतदूपावद्ध अनुसूची में वर्णित भूमि में अयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पैट्रोलियम और खनिज पाईप लाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 की उपधारा 1 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना एतद्वारा घोषित किया है।

बशर्ते की उक्त भूमि में हितबद्ध कोई व्यक्ति उस भूमि के नीचे पाईप लाईन विभाने के लिए आक्षेप सक्षम प्राधिकारी इंडियन पैट्रोकेमिकल्स कापोरेशन लिमिटेड महाराष्ट्र गैस केंकर काम्प्लेक्स नागोठणा, तहसिल रोहा जिला रायगढ़ को इस अधिसूचना की तारीख से 31 दिनों के भीतर कर सकेगा

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगत हो या किसी विधी व्यवसायी की मार्फत।

अनुसूची

पैट्रोलियम और खनिज पाईप लाईन भूमि में आयोग के अधिकार का अर्जन अधिनियम 1962 की धारा 3 के उपधारा 1 अधिसूचना क्रमांक तारीख की अनुसूची :—

क्र०	गांव का नाम	तहसिल	जिला	सर्वे नं०	हि नं०	गट नं०	क्षेत्र है	आर
1	2	3	4	5	6	7	8	9
5.	शहाबाज	अलिबाग	रायगढ़	179	4 (पी)	—	—	1031
				249	10 (पी)	—	—	7.8
				249	11 (पी)	—	—	8.0
				249	12 (पी)	—	—	3.5
				249	6 (पी)	—	—	7.5
				249	4 (पी)	—	—	15.2
				249	7 (पी)	—	—	15.2
				249	9 (पी)	—	—	0.5
				249	13 (पी)	—	—	1.3

(Department of Chemicals and Petrochemicals)

New Delhi, the 12th October, 1987

S.O. 2903.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum, oil, natural gas, effluent or any mineral in village Shahabag Taluka-Alibag District Raigad in the State of Maharashtra pipe lines should be laid through the agency of Indian Petrochemicals Corporation Limited, Maharashtra Gas Cracker Complex Division Vile-Parle (W), Bombay.

And whereas, it appears to the Central Government that for the purpose of laying such pipe lines, it is necessary to acquire the right of user in the lands described in the schedule annexed hereto.

Schedule to Notification under Section 3 (1) of the Petroleum and Minerals Pipe Lines (Acquisition of Right of user in land) Act, 1962.

SCHEDULE

Sr. No.	Name of the village	Tahsil	District	Survey No.	Hissa No.		Gat No.	Area	
					New	Old		H.	R.
1	2	3	4	5	6	7	8	9	
5	Shahabag	Alibag	Raigad	179	4 (P)	—	—	10.1	
				249	10 (P)	—	—	7.8	
				249	11 (P)	—	—	8.0	
				249	12 (P)	—	—	3.5	
				249	6 (P)	—	—	7.5	
				249	4 (P)	—	—	15.2	
				249	7 (P)	—	—	15.2	
				249	9 (P)	—	—	0.5	
				249	13	—	—	1.3	

का.आ. 2904.—निम्नलिखित अनुसूची में खाता 1 में 9 में लिखे हुए गटदों और संख्या के लिये सराहा गया कोंडीय सराहा वा. का. 1806 6 जुलाई 1987 भारत का याजपत्र [भाग (ii) खंड 3(ii)] 22 जुलाई 1987 पृष्ठ 2376 से 2397 प्रसारित हुए, "अधिसूचना की अनुसूची में छपे हैं। इनसे बजट नियन्त्रित अनुसूची के खाता 10 में 18 में लिखे हुए गटदों और संख्या छपना।

प्रसारित किया गया वर्णन

क्र. सं.	गांव का नाम	तहसील	जिला	सं.न.	लि. सं. गट दंडेव		हिन्दू	आर
					6	7		
1	2	3	4	5				
15	बागवीरा	अंतिवार	रायगढ़	2	1(पी)	4	0-20	4
22	आरेपुर	अंतिवार	रायगढ़	57	6	—	0-15	1
22	अंतिवार	अंतिवार	रायगढ़	65	अ(पी)	—	0-03	0
प्र. सं.	गांव का नाम	तहसील	जिला	सं.न.	हि. सं.	गट	बोनी	आर
10	11	12	13	14	15	16	17	18
15	बागवीरा	अंतिवार	रायगढ़	2	3/1	8		
					3/2-अ	7	0-20	4
					3/2 व	6		
22	आरेपुर	अंतिवार	रायगढ़	17	5	—	0-13	5
22	अंतिवार	अंतिवार	रायगढ़	66 अ	10(पी)	—	0-63	0

S.O. 2904.—Read words and figures shown in Columns 1 to 9 of the schedule given below appearing in the Schedule annexed to the Government of India Notification No. 1806 dated 6th July 1987 published in the Gazette of India Part II Section 3 sub-section (ii) dated 11-7-1987 at pages 2394 to 2403 as “words and figures shown in columns 10 to 18 of the schedule given below”.

SCHEDULE

S. No.	Name of the village	Tahsil	District	Survey No.	Hissa No.	Gat No.	Area H. Ar.	S. No.	Name of village	Tahsil	District	Survey No.	Hissa No.	Gat No.	Area H. Ar.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
15	Wagvira	Alibag	Raigad	2	1(p)	4	0-20.4	15	Wagvira	Alibag	Raigad	2	3/1	8			
													3/2-A	7	0-20.4		
22	Ambepur	Alibag	Raigad	57	6		0-15.1	22	Ambepur	Alibag	Raigad	57	5		0-13.5		
22	Ambepur	Alibag	Raigad	65-A	(p)		0 03-0	22	Ambepur	Alibag	Raigad	66	0(P)		0-63-0		

का ना. 2905—[नगरित्वेन, अनुसूची में “खाना, 1 से 9 में लिखे हुए, शब्दों और संख्या केन्द्रीय सरकार द्वारा ना. 1806 ना. 6 जूलाई 1987 अवधि के राजपत्र (भाग II भाग 3(ii)) 11 जुलाई 1987 पृष्ठ 2387 में 2396 प्रमाणित हुए, “अधिष्ठान की अनुसूची में दृष्टे हैं। इसमें वजह निम्नलिखित अनुसूची के खाना 10 से 19 में लिखे हुए शब्दों और संख्या पड़ता।

प्रसारित किया गया वर्णन

क्र. नं.	गांव का नाम	तहसील	जिला	सर्वोन्तम	हि. नं.	गट नं.	ओत्र	हैमटर	आर
1	2	3	4	5	6	7	8	9	
1	ज्योतिरपाल	पेण	गढ़गढ़	64	1(पी)	—	3	5	
6	चौले	—	—	18	31(पी)	—	12	0	
10	सिमादेवी	ग्रामीदाग	—	10	6(पी)	—	4	5	
11	पूणसापुर	—	—	33	3(पी)	—	0	—3	5
20	श्रीगंगाव	—	—	34	0(पी)	239			
	(पार्ट II)				140				
					150				
					137				
20	—	—	—	43	1(पी)	—		520	
					—	196	7		

क्र. नं.	गांव का नाम	तहसील	जिला	सर्वोन्तम	नं.	हि. नं.	गट	ओत्र	आर
10	11	12	13	11	15	18	17	18	
2	ज्योतिरपाल	पेण	गढ़गढ़	64	1(पी)	—	—	8	5
6	चौले	पेण	—	18	3(पी)	—	—	12	0
10	सिमादेवी	ग्रामीदाग	—	10	6(पी)	—	—	4	3
11	पूणसापुर	—	—	33	3(पी)	—	—	3	5
20	श्रीगंगाव	—	—	34	0(पी)	139	—	40	4
	(पार्ट II)				140	140			
					150	150			
					137	137			
20	—	—	—	47	1(पी)	196	—	7	5

S.O. 2905.—Read words and figures shown in columns 1 to 9 of the schedule given below appearing in the schedule annexed to the Government of India Notification No. 1806 dated 6th July 1987 published in the Gazette of India Part II Section 3 Sub-Section (ii) dated 11-7-1987 at pages 2394 to 2403 “as words and figures shown in columns 10 to 18 of the schedule given below”.

SCHEDULE

S. No.	Name of the Village	Tahsil	District	Survey No.	Hissa No.	Gat No.	Area H. Ars.	S. No.	Name of the Village	Tahsil	District	Survey No.	Hissa No.	Gat No.	Area H. Ars.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
6	Chole	Pen	Baigad	18	3(p)	—	—	12.2	6	Chole	Pen	Raigad	18	3(p)	—	—	12.9
23	Pezari	Alibag	Raigad	80	5(2)(p)	—	—	18.8	23	Pezari	Alibag	Raigad	80	5(2)(p)	—	—	18.0
13	Khar Kopari	Alibag	Raigad	5	1A(p)	18	—	12.3	13	Khar Kopari	Alibag	Raigad	5	1A(p)	18	—	29.3
13	Khar Kopari	Alibag	Raigad	6	1(p)	19	—	22.6	13	Khar Kopari	Alibag	Raigad	6	1(p)	19	—	12.6
17	Kusumble	Alibag	Raigad	134/57	1-D(p)	—	—	0.25	17	Kusumble	Alibag	Raigad	134/57	1-D(p)	—	—	2.5
18	Khatvira	Alibag	Raigad	11	5(p)	38	—	6.0	18	Khatvira	Alibag	Raigad	11	5(p)	38	—	6.3
20	Shrigaon (Part II)	Alibag	Raigad	43	1(p)	196	—	7.5	20	Shrigaon (Part II)	Alibag	Raigad	47	1(p)	196	—	7.5
18	Khatvira	Alibag	Raigad	8	2A(p)	39	—	20.0	18	Khatvira	Alibag	Raigad	8	2A(p)	39	—	20.7
22	Ambepur	Alibag	Raigad	65A	O(p)	—	—	3.0	22	Ambepur	Alibag	Raigad	65A	O(p)	—	—	63.0
24	Navkhark-Rayande	Alibag	Raigad	9	18(p)	—	—	11.0	24	Navkhark-Rayande	Alibag	Raigad	9	1B(p)	—	—	11.3

का. आ. 2906.—निम्नलिखित अनुमती में खाता 1 से 9 में नियंत्रित हुए, शब्दों और संख्या के द्वारा केन्द्रीय सरकार की अनुमति 2111 ता. 6-8-1987 विद्युत राजसत्र [(भाग II-खंड 3(ii))] 15 अगस्त 1987 पृष्ठ 2723 से 2744 प्रमारित हुए, अविसूचित वो अनुमती में आये हैं। इसमें वज्र निम्नलिखित अनुमती में खाता 10 से 18 में नियंत्रित हुए शब्दों और संख्या पढ़ना।

प्रमारित किया गया धरण

क्रम. नं.	गांव का नाम	तहसील	जिला	सर्व. नं.	हि. न.	गट. नं.	क्षेत्र	हिन्दू	प्रार.
1	2	3	4	5	6	7	8	9	10
37	शक्तपुर	अलिबाग	रायगढ़	274/2(पी)	—	—	—	—	—
	—	—	—	273/1एपी	—	—	—	—	—
	—	—	—	(106 ए/4 पी)	—	—	—	—	2-6- 3
	—	—	—	(106 पी/3 पी)	—	—	—	—	0-4- 8
	—	—	—	106/1 पी	—	—	—	—	0-13- 0
	—	—	—	259/7 पी	—	—	—	—	0-9- 2
47	होरड	अलिबाग	—	37/5 पी	—	—	—	—	0-6- 6
नं.	गांव का नाम	तहसील	जिला	सर्व. नं.	हि. न.	गट. नं.	क्षेत्र	हिन्दू	प्रार.
10	11	12	13	14	15	16	17	18	19
37	शक्तपुर	अलिबाग	रायगढ़	274/2 पी	—	—	—	0-1- 6	—
	—	—	—	273/1 ए पी	—	—	—	0-16- 4	—
3	—	—	—	106 ए/4 पी	—	—	—	0-6- 3	—
9	—	—	—	106 ए/3 पी	—	—	—	0-4- 6	—
	—	—	—	106 ए	—	—	—	0-13- 9	—
5	—	—	—	106 शी	—	—	—	0-9- 3	—
17	होरड	अलिबाग	—	254/7 पी	—	—	—	0-6- 0	—
	—	—	—	33/5 पी	—	—	—	—	—

S. O. 2906.—Read words and figures shown in Columns 1 to 9 of the Schedule given below appearing in the Schedule annexed to the Government of India Notification No. 2111 dated 6th August 1987 published in the Gazette of India Part II Section 3 Sub-Section (ii) dated 15-8-1987 at pages 2723 to 2741 as "words and figures shown in columns 10 to 18 of the Schedule given below.

SCHEDULE

S. No.	Name of Village	Tahsil	District	Survey No.	Hissa No.	Gat No.	Area H. R.	S. No.	Name of Village	Tahsil	District	Survey No.	Hissa No.	Gat No.	Area H. R.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
3	Shahapur	Alibag	Raigad	81	4P	—	0-1-6	3	Shahapur	Alibag	Raigad	81	4P	—	0-12-6		

का. आ. 2907—निम्नलिखित अनुमूली में खाना 1 से 9 में लिखे गये शब्दों और संख्या केन्द्रीय सरकार वी. क. 2112 ता. 6-8-1987 भारत का राजपत्र [(भाग II खंड 3(ii))] 15 अगस्त 1987 पृष्ठ 2723 से 2741 प्रमाणित हुए अनुमूली की अनुमूली में छप हैं। इसमें वजह निम्नलिखित अनुमूली में खाना 10 से 18 में लिखे हुए शब्दों और संख्या पढ़ना।

प्रसारित किया गया वर्णन

क्र. नं.	गांव का नाम	तहसील	जिला	सं. नं.	हिं. नं.	गट नं.	क्षेत्र	आर
1	2	3	4	5	6	7	8	9
3	देहनकोनी	अलिबाग	रायगढ़	91	1(पा)	—	0-00.5	
5	माहाबाज	अलिबाग	रायगढ़	186	3(पी)	—	0-12-1	

क्र. नं.	गांव का नाम	तहसील	जिला	सं. नं.	हिं. नं.	गट नं.	क्षेत्र	आर
10	11	12	13	14	15	16	17	18
3	देहनकोनी	अलिबाग	रायगढ़	91	2(पी)	—	0-0.5	
5	माहाबाज	अलिबाग	रायगढ़	186	2(पी)	—	0-12.6	

S.O. 2907.—Read words and figures shown in Columns 1 to 9 of the Schedule given below appearing in the Schedule annexed to the Government of India Notification No. 2112 dated 6th August 1987 published in the Gazette of India Part II Section 3 Sub-Section (ii) dated 15-8-1987 at pages 2723 to 2741 as “words and figures shown in columns 10 to 18 of the Schedule given below .

SCHEDULE

S. No.	Name of Village	Tahsil	District	Survey No.	Hissa No.	Gat No.	Area H. R.	S. No.	Name of Village	Tahsil	District	Survey No.	Hissa No.	Gat No.	Area H. R.	
1	2	3	4	5	6	7	8	10	11	12	13	14	15	16	17	18
4	Valvade	Alibag	Raigad	8	2	H	—	4	Valvade	Alibag	Raigad	8	2	—	0-15-6	

का.आ. 2908—निम्नलिखित अनुमूली में खाना 1 से 9 में लिखे हुए शब्दों और संख्या केन्द्रीय सरकार वी. क. 2113 ता. 6-8-1987 भारत का राजपत्र [(भाग II खंड 3(ii))] 15 अगस्त 1987 पृष्ठ 2723 से 2741 प्रमाणित हुए अधिसूचना वी. अनुमूली में छप हुए हैं। इसमें वजह निम्नलिखित अनुमूली में खाना 10 से 18 में लिखे हुए शब्दों और संख्या पढ़ना।

प्रसारित किये गये वर्णन

क्र. नं.	गांव का नाम	तहसील	जिला	सं. नं.	हिं. नं.	गट नं.	क्षेत्र	आर
1	2	3	4	5	6	7	8	9
37	मुनवाली	अलिबाग	रायगढ़	44/0पी	—	—	0-1-0	

क्र. नं.	गांव का नाम	तहसील	जिला	सं. नं.	हिं. नं.	गट नं.	क्षेत्र	आर
10	11	12	13	14	15	16	17	18
37	मुनवाली	अलिबाग	रायगढ़	41/0पी	—	—	0-1-0	

S. O. 2908.—Read words and figures shown in Columns 1 to 9 of the Schedule given below appearing in the Schedule annexed to the Government of India Notification No. 2113 dated 6th August 1987 published in the Gazette of India Part II Section 3 Sub-Section (ii) dated 15-8-1987 at pages 2723 to 2741 as “words and figures shown in columns 10 to 18 of the Schedule given below”.

SCHEDULE

S. No.	Name of Village	Tehsil	District	Survey No.	Hissa No.	Gat No.	Area H. R.	S. No.	Name of Village	District	Tehsil	Survey No.	Hissa No.	Gat No.	Area H. R.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
4	Sogaon	Alibag	Raigad	—	—	—	—	4	Sogaon	Alibag	Raigad	13	2P	—	0-20-7		
				—	—	—	—	4	Sogaon	Alibag	Raigad	13	4P	—	0-1-0		
				—	—	—	—			Alibag	Raigad	13	3P	—	0-9-1		
4	Sogaon	Alibag	Raigad	15	4P	0	0-11-3	4	Sogaon	Alibag	Raigad	15	4P	—	0-11-8		

का. आ. 2909:—निम्नलिखित ग्रन्तिकों में खाना 1 से 9 में लिखे हुए शब्दों और संख्या केन्द्रीय सरकार वा. अ. 2114 ता. 6-8-1987 भारत का राजवाच [भाग II खंड 3(ii)]/15-8-1987 पट्ट 2723 से 2741 प्रसारित हुए प्रधिकूलता को ग्रन्तिकों में छपे हैं। उससे बजाह निम्नलिखित ग्रन्तिकों में खाना 10 से 18 में लिखे हुए शब्दों और संख्या पढ़ता।

प्रसारित किया गया वर्णन

क्र. सं.	गाव का नाम	तहसील	जिला	म. नं.	हि. नं.	गट नं.	ध्रुव	हैक्टर	भार
10	11	12	13	14	15	16	17	18	
31	तलवडे	श्रीलिंबाग	रायगढ़	39/4 पी	—	—	—	0-1-2	
32	परहुर	श्रीलिंबाग	रायगढ़	58/1 पी	—	—	—	0-13-9	
35	मापगांव	श्रीलिंबाग	रायगढ़	77/1 पी	—	—	—	0-10-1	
37	मातिजे	श्रीलिंबाग	रायगढ़	30/0पी	—	—	—	0-4-3	

क्र. सं.	गाव का नाम	तहसील	जिला	म. नं.	हि. नं.	गट नं.	ध्रुव	हैक्टर	भार
10	11	12	13	14	15	16	17	18	
31	तलवडे	श्रीलिंबाग	रायगढ़	34/3/1 पी	—	—	—	0-1-2	
32	परहुर	श्रीलिंबाग	रायगढ़	58/1 दा पी	—	—	—	0-13-9	
35	मापगांव	श्रीलिंबाग	रायगढ़	77/10पी	—	—	—	0-10-1	
37	मातिजे	श्रीलिंबाग	रायगढ़	130/0पी	—	—	—	0-4-3	

ह.प.

(सक्षम प्राधिकारी)

प्रम. के. गुप्ता, डैस्क प्राधिकारी

S. O. 2909.—Read words and figures shown in Columns 1 to 9 of the Schedule given below appearing in the Schedule annexed to the Government of India notification No. 2114 dated 6th August 1987 published in the Gazette of India Part II Section Sub-Section (ii) dated 15-8-1987 at pages 2723 to 2741 as “words and figures shown in columns 10 to 18 of the Schedule given below”.

SCHEDULE

S. No.	Name of Village	Tehsil	District	Survey No.	Hissa No.	Gat No.	Area H. R.	S. No.	Name of Village	District	Tehsil	Survey No.	Hissa No.	Gat No.	Area H. R.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
31	Talwade	Alibag	Raigad	39	4P	—	0-1-2	31	Talwade	Alibag	Raigad	39	4/1P	—	0-1-2		
32	Pathur	Alibag	Raigad	58	1BP	—	0-3-9	32	Pathur	Alibag	Raigad	58	1BP	—	0-13-9		
35	Mapgaon	Alibag	Raigad	77	1P	—	0-10-1	35	Mapgaon	Alibag	Raigad	77	10P	—	0-10-1		

Sd/-

(Competent Authority)
S. K. GUPTA, Desk Officer

कृषि मंत्रालय
(कृषि और सहकारिता विभाग)
नई दिल्ली, 5 अक्टूबर, 1987

का.आ. 2910:—इस विभाग की तारीख 3 मार्च, 1987 को समर्पित अधिसूचना के अनुक्रम में और उसमें अंशिक संशोधन करते हुए तथा पशु आयात अधिनियम, 1898 (1898 का अधिनियम 9) के खंड 3, उपखण्ड (1) जिसका पशु आयात (संशोधन) अधिनियम, 1953 (1953 का अधिनियम 1) द्वारा संशोधन किया गया था, द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार एतद्वारा 1 अगस्त, 1987 से और आगे छः महीने की अवधि के लिये यू.के., संयुक्त राज्य अमरीका, फ्रांस, जर्मन संघीय गणराज्य, जापान, इटली, आस्ट्रेलिया, डेनमार्क, ब्राजील, यूगोस्लाविया, चैकोस्लोवाकिया, स्वीडन और नार्वे अथवा किसी अन्य देश से जिसका भारत में आयात किये जाने वाला अश्वजातीय स्टाक, केवल 7 वर्ष की आयु वाले बछड़ों और सांडों तथा 5 वर्ष की आयु वाले अश्वशावकों (फीलीज) जिनका कभी हल नहीं कराया गया है और जो प्रजनक स्टाक के सम्पर्क में नहीं रहे हैं, को छोड़कर ऊपर निम्निट देशों में पैदा हुआ हो, अथवा पाला गया हो अथवा वे आयात किये जाने से शीघ्र पहले गत 12 महीनों के दौरान उन देशों में ले जाये गये हों, अश्वजातीय पशुओं के आयात पर प्रतिबन्ध लगाती है, वर्ते कि:

(क) अधिनियम के अन्तर्गत विनिर्दिष्ट स्वास्थ्य संबंधी आवश्यकताओं के अतिरिक्त युवा अश्वजातीय पशुओं के साथ प्राधिकृत पशु चिकित्सक का इस आशय का पशु चिकित्सा संबंधी एक स्वास्थ्य प्रमाण-पत्र हो कि पशु गत एक वर्ष के दौरान प्रजनक स्टाक के सम्पर्क में नहीं रहा है और इन पशुओं के विंगच्छेद तथा मूत्रदार (योग्नि और सरविक्स) से एकत्र की गई फेरेरो मानक संवधनिक और सीरम संबंधी पद्धतियों द्वारा व्याधि विषयक सूक्ष्म अणुओं, विशेषकर होमोफिलियस इक्वीजेर्मीटेलिस के लिये निर्यात हेतु पोत रोहण से पूर्व 30 दिनों के अन्दर निरन्तर तीन परीक्षण करने पर नकारात्मक पार्ट गई है;

(ख) भारत में प्राप्त किये जाने पर आयातित पशुओं की सरकारी संग्रहीय केन्द्र अथवा कृषि मंत्रालय द्वारा विशेष रूप से स्वीकृत परिसर में 30 दिन तक अलग रखा जायेगा। संग्रहीय की अवधि के दौरान आयातित अश्वजातीय पशुओं को मान्यता प्राप्त प्रयोगशालाओं (संलग्न सूची) द्वारा साप्ताहिक अंतराल पर निरंतर तीन बार जीवाणु और सीरम संबंधी जांच की जायेगी और संकामक अश्वजातीय गर्भाशय-शोथ (कान्टे जियेस इक्वाईज मैट्रैटिस) रोग के लिये

नकारात्मक घोषित किये जाने के बाद ही इन पशुओं को अन्य पशुओं के साथ मिलने दिया जायेगा, और

(ग) जहां तक उन देशों से अश्व का आयात करने का संबंध है, जहां अश्व के संसर्ग से गर्भाशय-शोथ संकामक नहीं होता, आयात करने को अनुमति तभी दी जायेगी अगर संबंधित अश्व आयात करने से तत्काल पहले अथवा जन्म से, जो भी बाद में हो, दो वर्ष से उक्त वेश में रहा हो।

[सं. 50-22/77-एल डी टी (एल-एच-एक्यू) भाग-II]

एस.पी. वर्मा, अवर सचिव

MINISTRY OF AGRICULTURE

(Dept. of Agriculture & Cooperation)

New Delhi, the 5th October, 1987

S.O. 2910.—In continuation and in partial modification of this Departments Notification of even number dated 3rd March 1987 and in exercise of the powers conferred by sub-section (i) of Section 3 of the Livestock Importation Act, 1898 (Act 9 of 1898) as amended by the Livestock Importation (Amendment) Act, 1953 (Act 1 of 1953), the Government of India hereby prolbnit for a further period of six months from 1st August, 1987 the import into India of equine species of animals from the United Kingdom, the United States of America, France, the Federal Republic of Germany, Japan, Italy, Austria, Denmark, Brazil, Yugoslavia, Czechoslovakia, Sweden and Norway or from any other country whose equine stock meant for import into India had originated from or been reared in or visited any of the above specified countries during the immediate past twelve months prior to importation, except colts and stallions upto seven years and fillies upto five years of age which have never been mated and have not been in contact with the breeding stock, provided that :—

- In addition to the health requirements specified under the Act, the young equines are accompanied by the Veterinary Health Certificate from an authorised Veterinarian that the animals have not been in contact with the breeding stock during the last one year and that the swabs collected prepuce, Urethra/Vagina, Cervix of these animals were found negative for m pathogenic micro-organisms specifically Haemophilus equigenitalis, by standard culture and serological methods on the consecutive testing during the 30 days immediately prior to embarkation for export;
- On receipt in India such imported animals are kept in quarantine for a minimum period of 30 days at the Government Quarantine Station or the premises specially approved by the Ministry of Agriculture for that purposes. During this quarantine period the imported equines shall be subjected to bacteriological and serological examinations by recognised laboratories (list annexed), on three consecutive occasions, conducted at weekly intervals and shall be permitted to mix with other stock only when declared negative for contagious equine matritis infections and;
- In so far as import of equines from countries free from contagious equine matritis infections, such imports shall be permitted only if the equine in question had been stationed in that country since the two years immediately prior to the import or since birth whichever is later.

[No. 50-22/77-LDT (LH-AQ) Part II]

S. P. VERMA, Under Secy.

खाद्य और नागरिक पूर्ति मंत्रालय

(नागरिक पूर्ति विभाग)

नई दिल्ली, 19 अगस्त, 1987

का. आ. 2911.—नागरिक पूर्ति विभाग में आर्थिक सलाहकार, डा. पी. मन. कौल ने 30 जुलाई, 1987 अपराह्न में वायदा बाजार आयोग, बम्बई के सदस्य तथा अध्यक्ष पद का कार्यभार त्याग दिया है।

2. अग्रिम मंविद्वा विनियमन अधिनियम, 1952 (1952 का 74) की धारा 3 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय मरकार एतद्वारा श्रीमती शान्ता शास्त्री, भारतीय प्रशासनिक सेवा (एम. एच. 65) को 30 जुलाई, 1987 पूर्वाह्न से, आगामी आदेशों तक, वायदा बाजार आयोग, बम्बई के सदस्य के रूप में नियुक्त करती है तथा उन्हें आयोग का अध्यक्ष भी नामित करती है।

[मिसिल मंज्या—ए-12011/5/87-प्रशा. II]

डी. पी. निवेदी, अवर सचिव

MINISTRY OF FOOD & CIVIL SUPPLIES

(Department of Civil Supplies)

New Delhi, the 19th August, 1987

S.O. 2911.—Dr. P. N. Kaul, Economic Adviser in the Department of Civil Supplies relinquished charge of the post of Member as well as Chairman of the Forward Markets Commission, Bombay on the forenoon of the 30th July, 1987.

2. In exercise of the powers conferred by Sub-Section (2) of Section 3 of the Forward Contracts (Regulation) Act, 1952 (74 of 1952), the Central Government hereby appoints Smt. Shanta Shastri, IAS (MH : 65) as a Member of the Forward Markets Commission, Bombay and also nominate her to be the Chairman of the Commission with effect from the forenoon of the 30th July, 1987 until further orders.

[File No. A-12011/5/87-Est. II]

D. P. TRIVEDI, Under Secy.

ऊर्जा मंत्रालय

(कोयला विभाग)

नई दिल्ली, 8 अक्टूबर, 1987

का. आ. 2912.—केन्द्रीय सरकार, सरकारी स्थान (अप्राधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, नीचे सारणी के स्तम्भ (1) में उल्लिखित अधिकारियों को, जो सरकार के राजपत्रित अधिकारी के समतुल्य अधिकारी हैं, उक्त अधिनियम के प्रयोजनों के लिए संपदा अधिकारी नियुक्त करती है और उक्त अधिकारी अपनी अपनी स्थानीय भीमाओं के भीतर उक्त सारणी के स्तम्भ (2) में विनिर्दिष्ट सरकारी स्थानों की बाबत उक्त अधिनियम द्वारा या उसके अधीन सम्पदा अधिकारियों को प्रदत्त शक्तियों का प्रयोग और अधिरोपित कर्तव्यों का पालन करेंगे।

सारणी

अधिकारी का पदनाम	सरकारी स्थानों के प्रवर्ग
1	2
1. अध्यक्ष राजस्व नार्दने कोलफील्ड्स लिमिटेड, सिंगरारी में नार्दने कोलफील्ड्स लिमिटेड के सभी परिसर। सिंगरारी	
2. महाप्रबंधक, नार्दने कोलफील्ड्स लिमिटेड, गोर्बी परियोजना के प्रशासनिक नियंत्रणाधीन नार्दने गोलफील्ड्स लिमिटेड के कोयला क्षेत्र और अन्य सभी परिसर।	
3. महाप्रबंधक, नार्दने कोलफील्ड्स लिमिटेड, ग्रिगुरदा मनिक नियंत्रणाधीन नार्दने कोलफील्ड्स लिमिटेड के कोयला क्षेत्र और अन्य सभी परिसर।	
4. महाप्रबंधक, जयंत परियोजना महाप्रबंधक, जयंत के प्रशासनिक नियंत्रणाधीन नार्दने कोलफील्ड्स लिमिटेड के कोयला क्षेत्र और अन्य सभी परिसर।	
5. महाअधीक्षक, क्षेत्रीय मरम्मत दुकान/केन्द्रीय कर्मशाला, जयंत के प्रशासनिक नियंत्रणाधीन नार्दने कोलफील्ड्स लिमिटेड के सभी परिसर।	
6. महाप्रबंधक, नार्दने कोलफील्ड्स लिमिटेड, बीना के प्रशासनिक नियंत्रणाधीन नार्दने कोलफील्ड्स लिमिटेड के कोयला क्षेत्र और अन्य सभी परिसर।	
7. महाप्रबंधक नार्दने कोलफील्ड्स लिमिटेड, काकरी परियोजना महाप्रबंधक, काकरी के प्रशासनिक नियंत्रणाधीन नार्दने कोलफील्ड्स लिमिटेड के कोयला क्षेत्र और अन्य सभी परिसर।	
8. महाप्रबंधक, नार्दने कोलफील्ड्स लिमिटेड, खादिया के प्रशासनिक नियंत्रणाधीन नार्दने कोलफील्ड्स लिमिटेड के कोयला क्षेत्र और अन्य सभी परिसर।	
9. महाप्रबंधक, नार्दने कोलफील्ड्स लिमिटेड, दुधीचुआ के प्रशासनिक नियंत्रणाधीन नार्दने कोलफील्ड्स लिमिटेड के कोयला क्षेत्र और अन्य सभी परिसर।	
10. महाप्रबंधक, नार्दने कोलफील्ड्स लिमिटेड, अमलोरी के प्रशासनिक नियंत्रणाधीन नार्दने कोलफील्ड्स लिमिटेड के कोयला क्षेत्र और अन्य सभी परिसर।	

1	2
11. परियोजना अधिकारी नार्दर्न कोलफील्ड्स लिमिटेड, निगाही परियोजना	परियोजना अधिकारी, निगाही के प्रशासनिक नियंत्रणाधीन कोलफील्ड्स लिमिटेड के कामला शेव और अन्य सभी परिसर

[म. 43022/8/87 - सी. प.]

समय सित्र, अवर सचिव

MINISTRY OF ENERGY
(Department of Coal)

New Delhi, the 8th October, 1987

S. O. 2912 :—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the officers mentioned in column (1) of the Table below, being officers equivalent to the rank of the gazetted officers of Government to be estate officers for the purposes of the said Act and the said officers shall exercise the powers conferred, and perform the duties imposed on estate officers by or under the said Act, within the local limits of their respective jurisdiction in respect of the public premises specified in column (2) of the said Table.

THE TABLE

Sl. Designation of No. the Officer	Categories of public premises
1. Chief of Revenue Northern Coalfields Limited, Singrauli.	All premises belonging to the Northern Coalfield Ltd. at Singrauli.
2. General Manager, Northern Coal- fields Limited, Gorbi Project.	Coalfield areas and all other premises belonging to the Northern Coalfields Ltd., under the administrative control of the General Manager, Gorbi Project.
3. General Manager, Northern Coal- fields Limited, Jhingurda Project.	Coalfield areas and all other premises belonging to the Northern Coalfields Ltd., under the administrative control of the General Manager, Jhingurda.
4. General Manager, Jayant Project.	Coalfield areas and all other premises belonging to the Northern Coalfields Ltd., under the administrative control of the General Manager, Jayant.

(1)	(2)
5. General Superin- tendent, Regional Repair Shop/Central Work Shop.	All premises belonging to the Northern Coalfields Ltd., under the administrative control of the General Superintendent, Regional Repair Shop/Central Workshop, Jayant.
6. General Manager, Northern Coal- fields Limited, Bina Project	Coalfield areas and all other premises belonging to the Northern Coalfields Ltd., under the administrative control of the General Manager, Bina.
7. General Manager, Northern Coal- fields Limited, Kakri Project.	Coalfield areas and all other premises belonging to the Northern Coalfields Ltd., under the administrative control of the General Manager, Kakri.
8. General Manager, Northern Coal- fields Limited, Khadia Project.	Coalfield areas and all other premises belonging to the Northern Coalfields Ltd., under the administrative control of the General Manager, Khadia.
9. General Manager, Northern Coal- fields Limited, Dudhichua.	Coalfield areas and all other premises belonging to the Northern Coalfields Ltd., under the administrative control of the General Manager, Dudhichua.
10. General Manager, Northern Coal- fields Limited, Amlori, Project.	Coalfield areas and all other premises belonging to the Northern Coalfields Ltd., under the administrative control of the General Manager, Amlori.
11. Project Officer, Northern Coal- fields Limited, Nigahi Project.	Coalfield areas and all other premises belonging to the Northern Coalfields Ltd., under the administrative control of the Project Officer, Nigahi.

[No. 43022/8/87-CA]

SAMAY SINGH, Under Secy.

नई दिल्ली, 5 अक्टूबर, 1987

का. आ. 2913 :—यतः पेट्रोलियम और खनिज
पाइपलाईन भूमि में उपयोग के अधिकार का अर्जन अधिनियम,
1962 (1962 का 50) की धारा 3 की उपधारा (1)

के अधीन भारत सरकार के पेट्रोलियम एवं प्राकृतिक गैस मंत्रालय की अधिसूचना का, आ. सं. 3048 तारीख 14-8-86 द्वारा केन्द्रीय सरकार ने उस अधिसूचना में संलग्न अनूसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाईनों को बिछाने के लिए अंजित करने का अपना आशय घोषित कर दिया था।

और यह: सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यह: केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनूसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अंजित करने का विनिश्चय किया है?

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनूसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाईन बिछाने के प्रयोजन के लिए एतद्वारा अंजित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की वजाय तेल और प्राकृतिक गैस आयोग में, सभी वाधाओं से मुक्त रूप में, घोषिणा के प्रकाशन की इस तारीख को निहित होगा।

अनूसूची

एन. के. प.ए. के. से., एन. के. ई. छी. (184) तक पार्श्व ल.इन बिछाने के लिए

राज्य: गुजरात	जिला: अहमदाबाद	ता: विरमगाम	गांव	सर्वे नं.	हेक्टर	आर	सेन्टीयर्म
तेलावी	236/37	0	01	68			
	236/39	0	09	24			
	236/40	0	05	76			
	236/53	0	11	52			
	236/34	0	16	80			

[म. O-12016/138/86-अ० एन जी-डी-4]
पी.० को० राजगोपालन, डेस्क अधिकारी

New Delhi, the 5th October, 1987

S.O. 2913.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 3048 dated 14-8-86 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted report to the Government;

87/1334 GI—3

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquire for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Commission free from encumbrances.

SCHEDUL

Pipeline from NKFQ to NKEV (184)

State : Gujarat District : Ahmedabad
Taluka : Viramgam

	1	2	3	4	5
Telavi	236/37	0	01	68	
	236/39	0	09	24	
	236/40	0	05	76	
	236/53	0	11	52	
	236/34	0	16	80	

[No. O—12016/136/86-ONG-D-4]

P. K. RAJAGOPALAN, Desk Officer

नई दिल्ली, 13 अक्टूबर, 1987

का. आ. 2914.—यह: पेट्रोलियम और खनिज पाइपलाईन (भूमि में उपयोग के अधिकार का अंजेन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का, आ. सं. 563 (ई) तारीख 8-6-87 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनूसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइपलाईनों को बिछाने के लिए अंजित करने का अपना आशय घोषित कर दिया था।

और यह: सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यह: केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनूसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अंजित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार एतद्वारा घोषित है कि इस अधिसूचना में संलग्न अनूसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाईन बिछाने के प्रयोजन के लिए एतद्वारा अंजित किया जाता है।

और आगे उस द्वारा की उपधारा (4) द्वारा प्रवक्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है। कि उक्त भूमियों के उपयोग का अधिकार केन्द्रीय सरकार

में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी बाधाओं से मुक्त रूप में धोखा के प्रकाशन की इस तारीख को निहित होगा।

अनुप्रकृत वाद अनुसूची

एच० बी० जे० गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	परगना	ग्राम	गाठा नं०	क्षेत्रफल	विवरण
1	2	3	4	5	6	7
इटावा	बिधुना	बिधुना	गुलरिहा	160 165	0-03 0-04	
				2	0.07	

[सं० ओ० 14016/5/85-जी० पी०]

New Delhi, the 13th October, 1987

S.O. 2914.—Whereas by notification of the Government of India in the Ministry of Petroleum Natural Gas S.O. 563(E) dated 8-6-87 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of

user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said land shall instead of vesting in Central Government vests on this date of the publication of this declaration the Gas Authority of India Limited, free from encumbrances.

SUPPLEMENTARY CASE (SCHEDULE)

H.B.J. Gas Pipe Line Project

District	Tahsil	Pargana	Village	Plot No.	Area in acres	Remarks
1	2	3	4	5	6	7
Etawah	Bidhuna	Bidhuna	Gulriha	160 165	0-03 0-04	
				2	0-07	

[No. O-14016/5/85-GP]

का. आ. 2915:—केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि मध्यप्रदेश राज्य में हजीरा से बरेली से जगदीशपुर पेट्रोलियम के परिवहन के लिए पाइपलाइन गैस अथारिटी आफइ. लिमिटेड द्वारा बिलाई जानी चाहिए।

और यह प्रतीत होता है कि ऐसी लाइनों को बिलाने के प्रयोजन के लिए एतद्वारा अनुसूची में वर्णित भूमि में उपयोग अधिकार अंजित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अंजन) अधिनियम, 1962

(1982 का 50) की घारा 3 की उपभारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

बासरें कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाईप लाईन बिछाने के लिए आक्षेप सक्षम प्राधिकारी गैस आयरिटी आफ इं. लि. एन. बी. जे. पाईप लाईन 45, सुभाष नगर सांवेर गोड, उज्जैन (म. प्र.) 456001 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतः यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी मुनवाई व्यक्तिगत हो या किसी विधि व्यवसायी की माफत है।

एन.बी.जे. गैस पाईप लाईन प्रोजेक्ट

ग्राम: देदला तहसील: सारंगपुर जिला राजगढ़ राज्य: मध्यप्रदेश

अनुक्रमांक खसरा नं. उपयोग अधिकार अर्जन का खेत्रफल (हेक्टर में 1)

1	2	3
1	830/1	0.118
2.	829	0.210
3:	832	0.548
4.	831	0.013
5.	833	0.390
6.	205	0.090
7..	611	0.119
8.	616	0.095
9.	602	0.010
10.	594	0.044
11.	587	0.190
12.	531	0.010
13.	568	0.540
14.	570	0.318
15.	572	0.010
16.	565	0.010
17.	543	0.238
18.	545	0.189
19.	538	0.207
20.	539	0.065
21.	528	0.328
22.	530	0.011
23.	533	0.322
24.	532	0.010
25.	534	0.198
26.	482	0.023

1	3	2
27.	547	0.010
28.	596	0.012
29.	708	0.321
30.	697/2	0.140
31.	186	0.040
32.	190	0.050
33.	208	0.010
34.	207/1	0.090
35.	254/3	0.060
36.	253	0.100
37.	604	0.040
38.	603	0.095
39.	628	0.090
40.	595	0.045
41.	629	0.040
42.	593	0.020
43.	632	0.045
44.	591	0.070
45:	590	0.050
46.	589	0.125
47.	635	0.030
48.	588	0.140
49.	571	0.120
50.	566	0.225
51.	573	0.230
52.	537	0.085
53.	529	0.005
54.	633	0.020
55.	185	0.021
56.	567	0.040
57.	617	0.010
58.	720	0.020
59.	712	0.005
60.	711	0.005
61.	709	0.005
62.	707	0.030
63.	706	0.010
64.	705	0.010
65.	704	0.010
66.	697/1	0.191
67.	183	0.005
68.	184	0.045
69.	187	0.038
70.	188	0.010
71.	189	0.050
72.	211	0.010
73.	210/1 व 2	0.010

1	2	3	1	2	3
74.	207/2	0.020	13.	568	0.045
75.	592	0.010	14.	570	0.318
76.	569	0.005	15.	572	0.010
77.	569	0.095	16.	565	0.010
78.	575	0.005	17.	543	0.238
			18.	545	0.189
			19.	538	0.207
		कुल क्षेत्रफल:— 6.498	20.	539	0.065
			21.	528	0.328

[सं. O-14016/76/85-वी पी]

S.O. 2915—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Hazira to Jagdishpur in Madhya Pradesh State pipe line should be laid by the Gas Authority of India Limited.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the Schedule annexed hereto:

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil Gas Authority of India Limited, HBJ Gas pipeline 45, Subhash Nagar, Sanwer Road, Ujjain (M.P.).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

HBJ Gas Pipeline Project

Village : Dedla Tehsil : Sarangpur
District : Rajgarh State : M.P.

SCHEDULE

S No.	Survey No.	Area' to be Acquired for R.O.U. (in Hectares)	1	2	3	1	2	3
1.	830/1	0.118				56.	567	0.040
2.	829	0.210				57.	617	0.010
3.	832	0.548				58.	720	0.020
4.	831	0.013				59.	712	0.005
5.	833	0.390				60.	711	0.005
6.	205	0.090				61.	709	0.005
7.	611	0.119				62.	707	0.030
8.	616	0.095				63.	706	0.010
9.	602	0.010				64.	705	0.010
10.	594	0.044				65.	704	0.010
11.	587	0.190				66.	697/1	0.191
12.	531	0.010				67.	183	0.005
						68.	184	0.045

1	2	3	1	2	3
69.	718	0.038	4.	487	0.121
70.	188	0.010	5.	490	0.028
71.	189	0.050	6.	491	0.033
72.	211	0.010	7.	495	0.265
73.	210/1 & 2	0.010	8.	496	0.129
74.	207/7	0.020	9.	497	0.010
75.	592	0.010	10.	489	0.024
76.	586	0.014	11.	346	0.162
77.	569	0.005	12.	345	0.220
78.	575	0.005	13.	344	0.005
TOTAL AREA :		6.498	14.	343	0.005

[No. O-14016/76/85-GP]

का. आ. 2916.—केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि भव्यप्रदेश राज्य में हजारों से बरेली में जगदीशपुर पेट्रोलियम के परिवहन के लिए पाईप लाईन गैस अयोग्यी आफड़, लि. द्वारा बिलाई जानी चाहिए।

और यह यह प्रतीत होता है कि ऐसी लाईनों को बिलाने के प्रयोजन के लिए एतदुपादान अनुसूची में वर्णित भूमि में उपयोग का अधिकार अंजित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाईप लाईन (भूमि में उपयोग के अधिकार का अंजन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अंजित करने का अपना आशय एनद्वारा घोषित किया है।

अबतें कि उक्त भूमि में हितबढ़ कोई व्यक्ति, उस भूमि के नीचे पाईप लाईन बिलाने के लिए आक्षेप सक्षम प्राधिकारी, गैस अयोग्यी आफड़, लि. एच. बी. जे. पाईप लाईन 45, सुभाष नगर सांबर रोड, उज्जैन (म. प्र.) 456001 को इस अधिसूचना की तारीख 21 से दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्टतया यह भी कथन करेगा कि क्या वह यह चाहिए है कि उसकी मुनबाई व्यक्तिगत हो या किसी विधि व्यवसायी की मार्फत।

एच. बी. जे. गैस पाईप लाईन प्रोजेक्ट :
ग्राम—रायपुरिया नहमीन पेटलावद जिला झाबुआ —राज्य म. प्र.

अनुसूची

अनुक्रमानुक्रमानुक्रम नम्बर उपयोग अधिकार अंजन का थेव
(हैक्टर में)

1	2	3
1. 494	0.057	
2. 493	0.129	
3. 492	0.202	

4.	487	0.121
5.	490	0.028
6.	491	0.033
7.	495	0.265
8.	496	0.129
9.	497	0.010
10.	489	0.024
11.	346	0.162
12.	345	0.220
13.	344	0.005
14.	343	0.005
15.	319	0.049
16.	342	0.057
17.	320	0.008
18.	340	0.052
19.	341	0.251
20.	335	0.049
21.	334	0.005
22.	321	0.005
23.	322	0.005
24.	332	0.058
25.	331	0.058
26.	330	0.142
27.	329	0.081
28.	328	0.081
29.	327	0.049
30.	326	0.005
31.	357	0.344
32.	336	0.041
33.	355	0.005
34.	358	0.024
35.	300	0.057
36.	359	0.129
37.	360	0.137
38.	361	0.089
39.	364	0.121
40.	363	0.063
41.	365	0.024
42.	54	0.101
43.	56	0.029
44.	57	0.012
45.	58	0.008
46.	59/1	0.024
47.	59/3	0.049
48.	59/2	0.024
49.	61	0.073
50.	62	0.021

1	2	3
51.	63	0.032
52.	66	0.016
53.	72	0.024
54.	69	0.028
55.	70	0.041
56.	71	0.010
57.	68	0.004
58.	79	0.057
59.	80	0.040
60.	89	0.073
61.	88	0.275
62.	83	0.081
63.	86	0.008
64.	84	0.146
65.	85	0.040
66.	24	0.016
67.	92	0.057
68.	97	0.226
69.	94	0.113
70.	23	0.065
71.	99	0.040
72.	100	0.129
73.	101/1	0.243
कुल	भेकफल	5.484

[सं. O 14016/204/84जीपी]

S.O. 2916.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum from Hazira-Barily to Jagdishpur in Madhya Pradesh State, pipeline should be laid by the Gas Authority of India Limited

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now; therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of use in the Land) Act, 1962 (50 of 1962) the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil Gas Authority of India Limited, HBJ Gas Pipeline 45, Subtash Nagar, Sanwer Road, Ujjain (M.P.).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

HBJ GAS PIPELINE PROJECT
Village : Raipuria Tehsil Petlawad Dist. Jhabua M.P.

INDEX

S. No.	Khasra No.	Right of User area in Hectare	
		1	2
1.	494	0.057	
2.	493	0.129	
3.	492	0.202	
4.	487	0.121	
5.	490	0.028	
6.	491	0.033	
7.	495	0.265	
8.	496	0.129	
9.	497	0.010	
10.	489	0.024	
11.	346	0.162	
12.	345	0.220	
13.	344	0.005	
14.	343	0.005	
15.	319	0.049	
16.	342	0.057	
17.	320	0.008	
18.	340	0.052	
19.	341	0.251	
20.	335	0.049	
21.	334	0.005	
22.	321	0.005	
23.	322	0.005	
24.	332	0.058	
25.	331	0.058	
26.	330	0.142	
27.	329	0.081	
28.	328	0.081	
29.	327	0.049	
30.	326	0.005	
31.	357	0.344	
32.	356	0.041	
33.	355	0.005	
34.	358	0.024	
35.	300	0.057	
36.	359	0.129	
37.	360	0.137	
38.	361	0.089	
39.	364	0.121	
40.	363	0.063	
41.	365	0.024	
42.	54	0.101	
43.	56	0.029	
44.	57	0.012	
45.	58	0.008	
46.	59/1	0.024	
47.	59/3	0.049	

1	2	3
48.	59/2	0.024
49.	61	0.073
50.	62	0.021
51.	63	0.032
52.	66	0.016
53.	72	0.024
54.	69	0.028
55.	70	0.041
56.	71	0.010
57.	68	0.004
58.	79	0.057
59.	90	0.040
60.	89	0.073
61.	88	0.275
62.	83	0.081
63.	86	0.008
64.	84	0.146
65.	85	0.040
66.	24	0.016
67.	92	0.057
68.	97	0.226
69.	94	0.113
70.	23	0.065
71.	99	0.040
72.	100	0.129
73.	101/1	0.243
Total Area :		5.484

[No. O-14016/204/84-GP]

का. आ. 2917.—यतः पैदोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 उपधारा (1) के अधीन भारत सरकार के पैदोलियम और प्राकृतिक गैस मंदालय की अधिसूचना का. आ. म. 661 तारीख 2-7-87 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से मंलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों का विलाने के लिए अंजित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार के उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से मंलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अंजित करने का विनिश्चय किया है।

अब अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में मंलग्न अनुसूची विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिलाने के प्रयोजन के लिए एतद्वारा अंजित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकारण लि. में सभी वाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुपूरक वाद अनुसूची
एच० वी० ज० गैस पाइप लाइन प्रोजेक्ट

जिला	तहसील	परगना	ग्राम	प्लाट नं०	क्षेत्रफल	विवरण
1	2	3	4	5	6	7
हरदोई	शाहाबाद	पछोदा	मुर्तजा नगर	71	—	5
					[सं० ओ० 14016/243/85-जी० पी०]	

user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration the Gas Authority of India Limited free from encumbrances.

And whereas the Competent Authority has under sub-Section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of

SUPPLEMENTRY CASE (SCHEDULE)

(H.B.J. Gas Pipe Line Project)

District	Tahsil	Pargana	Village	Plot No.	Area in Bigha	Remark
1	2	3.	4	5	6	7
Hardoi	Shahabad	Pachhoha	Murtaza Nagar	71	5	

[No. O-14016/245/85-GP]

का. आ. 2918.—यतः पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का आ. सं. 662, तारीख 2-7-87 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के अधिकार को पाइप लाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था;

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है;

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनि-

दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है;

अब, यतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है;

और, आगे, उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण द्वारा में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुपूरक वाद अनुसूची

एच० बी० जे० गैस पाइप लाइन प्रोजेक्ट

जिला	तहसील	परगना	ग्राम	प्लाट नं०	धेवफल	विवरण
1	2	3	4	5	6	7
हरदोई	शाहबाद	पाली	मुडेर	638	—	5
				639	—	—
					4	—
				2	—	4
						5

[सं० O 14016/276/85-जी० पी०]

user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration the Gas Authority of India Limited free from encumbrances.

S.O. 2918.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. 662 dated 2-7-87 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of

SUPPLEMENTARY CASE (SCHEDULE)

H.B.J. Gas Pipe Line Project

District	Tahsil	Pargana	Village	Plot No.	Area in Bigha-Biswa-Biswansi		Remark
1	2	3	4	5	6	7	
Hardoi	Shahatav	Pali	Munder	638	—	—	5
				639	—	4	—
					2	4	5

[No. O-14016/276/85-GP]

का. आ. 2219.—यतः पैट्रोलियम और बिनिज पाष्ठपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पैट्रोलियम और प्राकृतिक गैस मंस्तालय की अधिसूचना का. आ. सं. 660 तारीख 2-7-87 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में बिनिदिष्ट भूमियों के उपयोग के अधिकार को पाईप लाईनों को बिलाने के लिए अर्जित करने का अपना आग्रह धोषित कर दिया था :

और यतः मक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है। और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात हम अधिसूचना में मंलग्न अनमती में

विनिर्दिष्ट भूमियों में उपयोग का अधिकार अंजित करने का विनियमचय किया है।

अब अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एन्टद्राया धोषित करती है कि इस अधिभूचना में संलग्न अनु-सूची विनिर्दिष्ट उक्त भूमियों से उपयोग का अधिकार पाई-लाईन विभाने के प्रयोजन के लिए एन्टद्राया अर्जित किया जाता है;

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राधिकरण लि. में सभी बाधाओं से मुक्त स्वप्न में धोपणा के प्रकाशन की इस तारीख को निर्दित होगा।

अनपूरक वाद अनसूची

एच० बी० जे० गैस पाइप लाइन श्रोजेक्ट

जिला	तहसील	परगना	ग्राम	प्लाट नं.	क्षेत्रफल	विवरण
1	2	3	4	5	6	7
हरदोई	शाहबाद	पचेरेया	पचेरेया	462	--	10

[सं० O-14016/349/85-जी० फी०]

S.O. 2919.—Whereby notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. 660 dated 2-7-87 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline:

And whereas the Competent Authority has under subsection (1) of Section 6 of the said Act, submitted a report to the Government:

And further whereas the Central Government has, after considering the said report, decided to acquire the right of 87/1334 GI-4

user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline:

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration the Gas Authority of India Limited free from encumbrances.

SUPPLEMENTARY CASE (SCHEDULE)
H.B.J. Gas Pipe Line Project

District	Tahsil	Pargana	Village	Plot No.	Area in Bigha	Remark
1	2	3	4	5	6	7
Hardoi	Shahabad	Pachhoha	Pachraya	462	—	10

[No. O-14016/349/85-GP]

का. आ. 2920—यतः पेट्रोलियम और खनिज पाइपलाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ.स. 658 तारीख 2-7-87 केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाईप लाईनों को विछाने के लिए अंजित करने का अपना आवश्य घोषित कर दिया था।

और यतः सक्षम प्राधिकरी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची

में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अंजित करने का विनिर्देश किया है।

अब अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एन्ड-ड्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाईपलाईन बिछाने के प्रयोजन के लिए एन्ड-ड्वारा अंजित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय भारतीय गैस प्राविकरण सि. में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुपूरक वाद अनुसूची

एच० बी० जे० गैस पाइप लाईन प्रोजेक्ट

जिला	तहसील	परगाना	ग्राम	प्लाट नं.	क्षेत्रफल	विवरण
1	2	3	4	5	6	7
शाहजहांपुर	शाहजहांपुर	कांट	जाजलपुर	220	—	22

[स० ओ०-14016/352/85-जी० पी०]

राकेश कैकर, उप-मंत्री

S.O. 2920.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. 658 dated 2-7-87 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of

user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vest on this date of the publication of this declaration the Gas Authority of India Limited free from encumbrances.

SUPPLEMENTARY CASE (SCHEDULE)
H.B.J. Gas Pipe Line Project

District	Tahsil	Pargana	Village	Plot No.	Area in acres	Remark
1	2	3	4	5	6	7
Shahjahan Pur	Shahjahan Pur	Kant	Jajal Pur	220	—	22

[No. O-14016/352/05-GP]
Rakesh Kacker, Dy. Secy.

धर्म भवानी

नई दिल्ली, 9 अक्टूबर, 1987

का.आ. 2921:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, राउरकेला स्टील प्लांट ऑफ एस.ए.आई.एल. के प्रबंधतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकारण, भुवनेश्वर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-9-87 को प्राप्त हुआ था।

MINISTRY OF LABOUR

New Delhi, the 9th October, 1987

S.O. 2921.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby published the award of the Industrial Tribunal, Bhubaneswar, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Rourkela Steel Plant of SAIL and their workmen, which was received by the Central Government on the 24-9-87

INDUSTRIAL TRIBUNAL, ORISSA, BHUBNESWAR

PRESENT :

Shri R. N. Panda, M.A.L.L.B,
Presiding Officer, Industrial,
Tribunal, Orissa, Bhubaneswar.

Industrial Dispute case No. 41 of 1987 (Central)
Dated Bhubaneswar, the 16th September, 1987

BETWEEN

The Management of Rourkela Steel Plant of SAIL,
Rourkela.

.....First Party.
AND

Smt. Salmi Munda,

Their workman represented by the
General Secretary, North Orissa Workers Union,
Oram Pada, P.O. Rourkela-12, Dist. Sundergarh.

.....Second Party.

APPEARANCES :

Sri A. Acharya, Asstt. Manager (Law)—
For the First Party—Management.

Sri B. S. Pati, General Secretary—For the Second Party

AWARD

1. This is a reference made by the Central Government under section 10(1) of the Industrial Disputes Act 1947 vide Order No. 26012/23/85-D. III(B) dated 4th February, 1987 for adjudication of a dispute mentioned in the schedule of reference which runs as follows :—

“Whether the action of the Management of Perspecting Division, Kalta Iron Mines, Rourkela Steel Plant (SAIL) At & P.O. Kalta, Dist. Sundergarh in retiring Smt. Salmi Munda, TPL No. 388 from service w.e.f. 31-12-83 is justified? If not, to what relief the said worker is entitled?”

2. According to the workman her age as recorded in the medical card (vide Ext. 1) was 48 years on 10-10-79. She was therefore aged 52 years on 31-12-83 when she was superannuated by the Management. It is stated that on receipt of

the retirement order dated 2-9-83 (vide Ext. 2) she immediately represented her case to the Management on 19-9-83 stating that her age was 51 years and her retirement would be in the year 1990 alongwith the copy of her birth certificate. The Management did not consider the said representation. When no reply was received she approached the Union for taking up the issue with the Management and accordingly the General Secretary referred the matter to the First Party—Management in his letter dated 11-11-1983. But no action was taken by the Management. A dispute was therefore raised before the Asst. Labour Commissioner on 2-12-1983.

3. The case of the Management on the other hand is that the second party—work as defined in section 2(s) of the Industrial Disputes Act, the reference is illegal and not maintainable. The subject matter of the reference is not an industrial dispute and that is yet another ground for which the reference is illegal and not maintainable. The question of superannuation, it is stated is not an item either in the second or third schedule of the Industrial Disputes Act and the reference is without any jurisdiction. On the facts of the case, it is alleged that Smt. Salmi Munda was a temporary worker in the rolls of the Management with effect from 1-1-67. She declared her date of birth as 1-1-1926 in the Descriptive Roll. On the basis of the said declaration, she attained 58 years of age on 31-12-83 and as such, a notice of superannuation was issued on 2-9-83 to superannuate her from service with effect from 31-12-83. She having no formal education, did not produce documentary evidence from any educational institution in support of her age or date of birth. Hence, the age declared by her and accepted by the Management, was taken to be final and on the basis of the said declaration, she was superannuated with effect from 31-12-1983. She never submitted any representation to the Management as alleged and that is afterthought. The medical card is not a document to be relied upon to determine the date of birth of an employee. It does not form a part of service record of any employee. The medical card is issued to an employee to identify himself and his family members before the Medical Officer of the company for their free medical treatment in the Company's hospital. The authority which issues the medical card is not competent to accept or change the age of any employee in any of the service cards. Therefore, the age recorded in the medical card for the purpose of medical treatment cannot be taken to be authentic record for the purpose of superannuation of an employee. The birth certificate stated to have been obtained from the Dengola Gram Panchayat is a false document which was never produced before the Management. Finally, it is stated that in the public sector undertaking a new trend has set in challenging date of superannuation by procuring some false and fabricated documents, with the sole motive to create indiscipline in the industry and put the industry into loss by unnecessary litigation. Such deliberate actions are therefore anti-social and anti-national and are liable to be dealt with firmly. The action of the Management in superannuating the second party is in accordance with the provision of the certified standing order of the company and is bona fide, legal and Justified.

4. The first question that arises for consideration is whether the reference is maintainable. It has been attacked on the grounds that the second party is not a workman within the meaning of section (s) of the Industrial Disputes Act and that the question of superannuation is not an item of industrial dispute as such a matter does not find place in the second and third schedule of the Industrial Disputes Act. Admittedly, the second party was a temporary worker under the Management. Merely because she was a temporary worker it cannot be said that she is not a workman within the meaning of section 2(s) of the Industrial Disputes Act. This ground of attack is therefore rejected. The second ground is equally without any substance. Superannuation of an employee is undoubtedly a part of the condition of service of an employee. This is a dispute where the superannuation has been challenged on the ground that the employee has been superannuated before the date of superannuation. I therefore do not see how it can be contended that the dispute relating to the superannuation of an employee is not an industrial dispute.

5. The next question for consideration is whether the superannuation of the second party-workman is legal and justified.

The Management has examined one witness. Both the parties have adduced documentary evidence. The First Party-Management to support the validity of the superannuation has relied on the Descriptive Roll (vide Ext. A). The Union representing the workmen has placed reliance on the medical card (Ext. 1) and the representation made by the Union to the Management on 11-11-83 (vide Ext. 3). During the course of argument the representative of the Union submitted that the second party workman was an employee of the Prospecting Division, Kalta which was a mine for all purposes and the Management is supposed to have maintained the form 'B' register which would have indicated the real date of birth. The argument has been refuted with the submission that the second party-Union never took any such plea at any stage either before the conciliation officer or in the pleadings before this Tribunal. The Union cannot therefore be permitted in law to take such a plea for the first time during the course of argument.

6. The Management as stated earlier in support of its contention that the date of birth of workman is 1-1-1926 has relied on the Descriptive Roll (Ext. A) and the oral evidence of M.W.1, the Time Keeper who claims to have maintained this Roll. The question is whether the Descriptive Roll reflects the correct state of affairs. According to M.W.1 he filled up this Descriptive Roll on the instruction of the workman who is admittedly an illiterate lady. His further evidence is that two days prior to the filling of this Roll he had instructed all the employees to come prepared with their bio-datas including documents if any in support thereof, and that this lady had brought a chit where her date of birth was mentioned. In cross-examination this witness says that he returned the chit after filling the date of birth. It is not possible to believe that an illiterate Adibasi lady could be in a position to know the actual date of her birth and could get a chit prepared mentioning therein her date of birth and present chit before the Time Keeper. I can understand that a lady of the status of workman could somehow give her approximate age. The Management in such circumstances could have got her medically examined and fixed up her correct age and maintain her service record accordingly. On a mere statement of M.W.1 that on the instruction of the lady he mentioned her date of birth as 1-1-1926 does not appeal to reason. That apart M.W.1 does not say when he filled up this descriptive roll. The descriptive roll contains the signature of the Asst. Superintendent (P) Iron and Manganese Region, Tensa which is dated 10-11-82. This workman admittedly is an employee of the Management since the year, 1967. No reason is assigned as to why for such a long period her descriptive roll had not been maintained. It was only about a year before her superannuation her descriptive roll was maintained. It appears to me that the Management have arbitrarily put the date of birth of the workman as 1-1-1986 and made to retire her with effect from 31-12-83.

7. According to the workman, she was aged 48 years on 10-10-79 and this is evident from the medical card (Ext. 1). The medical card as has been rightly submitted on behalf of the Management is issued only for the purpose of identity of the workman for the purpose of the treatment in the hospital of the Management. The person who prepared the medical card has not been examined and we do not know the circumstances under which the age of the workman was mentioned in the medical card. Age mentioned therein may be on the assessment of the person who prepared the medical card. It is therefore not possible to hold that the age mentioned in the medical card is the age of the workman. The workman did not choose to appear before this Tribunal for assessment of her age. Her non-examination before the Tribunal as a witness is a circumstance which very much goes against her case.

8. Having not placed any reliance either in the descriptive roll or medical card there is no other evidence before me to come to a conclusion as to the actual date of birth of the workman. It is not necessary to go into the question whether the Management was required to maintain the 'B' Register as the Kalta Iron Mines is a Prospecting Division and for non-maintenance of such a register, adverse inference should be drawn against the Management.

9. In view of the foregoing discussion I am inclined to hold that the action of the Management in retiring the workman on the basis of the date of birth mentioned in the

descriptive roll cannot be said to be legal or justified. It is however not possible to give any relief to the workman as her case that in the year 1979 she was 48 years old has also not been acceptable to me. In the peculiar circumstances of the case it would be proper to direct the Management to reconsider the question of superannuation and in doing so the Management should direct the workman to appear before a board of doctors to be constituted by it and find out the correct age of the workman and then take steps either to reinstate her in service or to retire her on the appropriate date.

10. An Award is accordingly passed.

R. N. PANDA, Presiding Officer
[No. L-26012/23/85-D.III(B)]
V. K. SHARMA, Desk Officer

नई दिल्ली, 12 अक्टूबर, 1987

का. आ. 2922:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय मरकार भारतीय स्टेट बैंक के प्रबंधनतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय मरकार औद्योगिक अधिकरण कानपुर के पंचाट को प्रकाशित करनी है, जो केन्द्रीय मरकार का 25-9-87 को प्राप्त हुआ था।

New Delhi, the 12th October, 1987

S.O. 2922.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Kanpur as shown in the Annexure in the industrial dispute between the employers in relation to the State Bank of India and their workmen, which was received by the Central Government on the 25th September, 1981.

BEFORE SHRI ARJAN DEV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM-LABOUR COURT, KANPUR

Industrial Dispute No. 76 of 1986

Reference No. L-12012/221/85-D.II(A) dt. 20-5-86

In the matter of dispute between:

Shri R. C. Sharma,
C/o Shri J. N. Kapoor,
33 Bank Enclave,
Ringh Road, Rajouri Garden,
New Delhi-27.

AND

The Regional Manager,
State Bank of India,
Region-IV, Regional Office
148, Civil Lines Post Box No. 105,
Bareilly.

APPEARANCES:

Shri Mahesh Chandra, counsel—for the Management.
Shri R. C. Sharma workman himself.

AWARD

1. The Central Government, Ministry of Labour, vide its notification No. L-12012/221/85-D.II(A) dated, 20th May, 1986, has referred the following dispute for adjudication to this Tribunal:

Whether the action of the management of State Bank of India, Regional Office, Bareilly in reinstating

Shri R. C. Sharma on 4-1-85 and again terminating his services on the same day is appropriate implementation of award of Industrial Tribunal, Kanpur, vide I. D. Case No. 71/79 ? If not, to what relief the workman is entitled ?

2. The case of the workman is that he was appointed as Guard-cum-Messenger on 16-2-70 against permanent and regular vacancy by the management. He was called for interview by the management in 1973 but as he had no push and pull in the bank, he was not confirmed in the bank's service. Although he worked against permanent and regular vacancies upto 22-9-78, his services were terminated on 23-9-78, by the management bank. He raised an industrial dispute against illegal termination whereupon the industrial dispute was referred to the Central Government Industrial Tribunal-cum-Labour Court, New Delhi. Under the award which was published in the Gazette of India Part II dt. 11-8-84, the management was directed to reinstate him with back wages and continuity of service. The management did not implement the said award for a number of months, however, the Regional Manager, Region IV, State Bank of India, Regional Office, Bareilly, vide his letter dt. 2-1-85, asked him (workman concerned) to report for duty. In pursuance of the said letter he reported for duty on the morning of 4-1-85, but the same day at 4 p.m. his services were again terminated illegally. According to him no chargesheet was served on him nor any enquiry was held against him before termination of his service second time. He has further alleged that since the management of State Bank of India has been recruiting 2000 new hands every year as Guard/Messenger in the bank, the question of his retrenchment on 4-1-85 did not arise at all. The management has clearly violated the provisions of section 25F, 25G and 25H of the Act in terminating his services while retaining several thousand of employees junior to him in bank's service.

3. The management bank has contested the claim of the workman. In this case the management has filed two written statements, one on 7-10-86 and the second on 3-2-87. The first written statement was filed by the management on the date when workman filed his claim statement. The management denied that the workman was working against a permanent and regular vacancy. According to it in compliance of the directions contained in the award, the workman was reinstated and was paid full back wages and thereafter, his services were terminated as no longer required. He was also paid one month's salary in lieu of notice and retrenchment compensation as provided under section 25-F I.D. Act. The workman was also paid one day's salary for 4-1-85. The order of termination is perfectly a legal order. It does not involve the question of any disciplinary action for misconduct against him (workman). The management denies any violation of the provisions of section 25F, 25G and 25H of I.D. Act.

4. In this case the workman has filed his own affidavit and management has filed the affidavit of Shri Ram Niwas Sharma, an officer of the bank, who is presently posted at Bank's Regional Manager's Office at Bareilly. Management witness has been cross-examined by the authorised representative of the workman but the workman did not produce himself for cross examination by the authorised representative of the management. From the order sheet it appears that on 21-4-87 Shri J. N. Kapoor, the authorised representative of the workman, stated before my learned predecessor that the workman had not to give his oral evidence. Both the sides have also filed a number of documents in support of their respective cases.

5. The operative portion of the award given by Shri O. P. Singla, the then Presiding Officer, C.G.I.T.-cum-Labour Court, New Delhi, in I. D. Case No. 71/79 Shri Ramesh Chandra Sharma Versus State Bank of India, reads as under :

The State Bank of India shall reinstate the workman Shri Ramesh Chandra Sharma with full back wages and continuity of service, but the management may discharge him from service, after compliance of the

provisions of law applicable to him, if so advised later. There will be no order as to costs. Award is made accordingly.

Now it is the admitted case of the parties that the workman was reinstated in compliance of the above directions. In para 3 of the written statement filed by the management on 7-10-86, it has been pleaded that the workman was also paid full back wages in terms of the Award. This fact finds corroboration from the facts stated by Shri Ram Niwas Sharma, witness of the management, in para 18 of his affidavit. There has been no cross-examination from the management witness on this point from the side of the workman. After the filing of the written statement by the management on 7-10-86, time was allowed to the workman for filing rejoinder. While meeting the facts stated in para 5 of the written statement the workman has cleverly kept silent on the point whether or not he had been paid full back wages. In the circumstances, I see no reason why fact pleaded by the management that he had been paid full back wages in terms of the award should not be believed. Hence, it is held that the management fully complied with the directions contained in the Award regarding workman's reinstatement and payment of back wages to him.

6. It is now argued on behalf of the management that in the operative portion of the Award it is clearly stated that the management might discharge the workman from service after compliance with the provisions of law applicable to him. This right, it is further argued on behalf of the management, was available to the management even in the absence of such an observation in the operative portion of the Award. Therefore, considering the fact that the services of the workman were no longer required, his services were terminated on the same date on which he joined i.e. 4-1-85, after fully complying with the provisions of section 25F I.D. Act. He was paid not only that day's salary but he was also paid retrenchment compensation. This fact about payments has been pleaded by management in para 6 of their written statement dated 3-2-87. These payments have not been specifically challenged in the written arguments filed on behalf of the workman. Even document paper no. 3 of the list dt. 3-2-87 filed by the workman corroborates this fact.

7. One of the points raised by the workman in the claim statement and in written arguments is that non compliance of section 25G I. D. Act. It lays down that where any workman in an industrial establishment is to be retrenched. Then in the absence of any agreement between the employer and the workman in this behalf the employer shall ordinarily retrench the workman who was the last person to be employed in the category to which he belongs, unless for reasons to be recorded the employer retrenches any other workman. The learned counsel for the management submits that although it has been pleaded by the workman in para 18 of his claim statement that the management has been recruiting 2000 new persons every year as guard/messenger in the bank and therefore, question of his retrenchment does not arise, there is not an iota of evidence from the side of the workman to support this fact. His affidavit dt. 6-1-87, is of no consequence. It has no evidentiary value as he did not put himself in the witness box for cross examination at the hands of the management.

8. The learned counsel for the management has further argued that even otherwise the workman has no case at all on this score. Workman got fresh lease of life because of the Award which set aside his earlier order of termination due to non compliance of the provisions of sec. 25F I.D. Act by the management. It was only by legal fiction that he got continuity of service and back wages. Had the management complied with the mandatory provisions of section 25F I. D. Act, such a situation would not have arisen. In the circumstances, the workman was simply entitled to be put back where he had left actually. Further he could not be allowed to claim any advantages in the matter of seniority or other priority interse among temporary employees.

9. After hearing learned counsel for the management on the point and considering the written submissions made on behalf of the workman, I find myself in complete agreement with the submissions made by the learned counsel for the

management. In this connection I would like to refer to the ruling in the case of State Bank of India, Versus M. Sundermoney, 1976, I L.L.J. page 478, Supreme Court. The facts were similar to the facts of the present case. While disposing of the appeal, the Hon'ble Supreme Court observed as under in para 11 of the judgment :

In the particular facts and circumstances of this case, the respondent shall be put back where he left off, but his new salary would be what would draw where he is to be appointed today *de novo*. As for benefits, if any, flowing from service he will be ranked below all permanent employees in that cadre and will be deemed to be a temporary hand upto now. He will not be allowed to claim any advantages in the matter of seniority or other priority *inter se* among temporary employees on the ground that his retrenchment is being declared invalid by this court.

On the same principles the workman in the present case can not claim seniority over other temporary employees. As such the case of the workman is not covered under section 25-G of the Act.

10. The workman has also challenged the order of termination on grounds of violation of provisions of section 25-H of the Act. Section 25-H of the Act refers to cases of re-employment of retrenched workmen. So it has no application to the facts of the present case. Accordingly, question of violation of provisions of section 25-H of the Act does not rise at all.

11. Lastly, the workman has challenged the order of his termination on the ground that before terminating his services the management did not hold any departmental enquiry by serving a charge sheet on him. The action of the management was, therefore, *mala fide*. On behalf of the workman his authorised representative in his written arguments has contended that in para 10 of their written statement dt. 7-10-86 it has been pleaded by the management that the ground and circumstances for the termination of service of the workman in the present case remain the same as were referred to in the earlier I.D. case No. 71 of 1979, and that only fresh termination order was passed to rectify statutory violation of section 25F of the I.D. Act, on which ground alone the Tribunal, in I.D. Case No. 71 of 1979, had struck down the order of termination. Further in his cross examination, the management witness has stated as follows :

There may be other ground for termination of the service of the workman, but one of the grounds was that he was sent to jail for 7 days and was dishonest person and not fit to be retained in service.

According to the authorised representative for the workman it is thus abundantly clear that it was a case that the workman was sent to jail for 7 days. The order of termination dt. 4-1-85, therefore, cannot be held as an order simplicitor without attaching stigma on the workman. The management, therefore, ought to have framed a charge sheet against the workman, served it on the workman and held a proper departmental enquiry against him. Having not done so the order of termination dt. 4-1-85 cannot be upheld.

12. In the written argument the authorised representative for the workman has also referred to the legal position. According to him the form of order is not decisive as to whether the order is by way of punishment and that even an innocuously worded order in the circumstances of a particular case be actually an order of dismissal for misconduct.

13. On the other hand, it has been argued by the learned counsel for the management that it is purely a case of termination of services simplicitor without attaching any stigma on the workman. The question of taking disciplinary proceeding arises only when the workman is alleged to have misconducted himself by an act of omission or commission in the discharge of his duties. In the instant case facts on which reliance has been placed by authorised representative of the workman simply came to light during the interview of the workman when he was being considered for permanent

absorption in the bank service. In this connection the learned counsel has referred to the following words appearing in paras 5 and 11 of the earlier award "... His services were terminated for the reason that during interview it came to notice, on his own information, that he did not serve in the fighting forces and was merely a driver, and that he was put in a military jail for 7 days for indiscipline and he was considered to be dishonest employee not fit for permanent absorption....." (para 5).

".....The workman disputed his imprisonment or his having admitted so in the interview. There is no record, apart from the statement of Major Kandhari of State Bank of India at interview about the workman's imprisonment for 7 days during military service....." (para 11).

The preposition of law to which the authorised representative of the workman has referred in his written arguments is not disputed by him but it will be clear from the facts of this case that no departmental enquiry was called for in the facts and circumstances of the present case.

14. After considering the submissions made from both the sides, I am of the opinion, that it has been rightly asserted by the learned counsel for the management that the question of holding a departmental enquiry in the instant case did not arise at all as it is not the case of the parties that the workman had misconducted himself during the course of his service in the bank. Therefore, workman fails even on this point.

15. The result, therefore, is that the action of the management of State Bank of India, Regional Office, Bareilly in reinstating the workman on 4-1-85 and again terminating his services on same day cannot be said improper implementation of Award in I.D. Case No. 71/1974. In other words the management fully complied with the award in the said I.D. case and terminated the services of the workman legally.

16. In the circumstances, the workman is entitled to no relief.

17. Award, is made accordingly.

ARJAN DEV, Presiding Officer
[No. L. 12012/221/85-DII(A)]

का.आ. 2923:—आद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, इलाहाबाद बैंक के प्रबंधतत्व से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट आद्योगिक विवाद में केन्द्रीय सरकार आद्योगिक अधिकरण कानपुर के वंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-9-87 को प्राप्त हुआ था।

S.O. 2923.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government industrial Tribunal, Kanpur, as shown in the Annexure in the industrial dispute between the employers in relation to the Allahabad Bank and their workmen, which was received by the Central Government on the 25th September, 1987.

BEFORE SHRI ARJAN DEV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
KANPUR

Industrial Dispute No. 70 of 1987

Reference No. L-12012/403/86-D.II(A) dt. 26-6-87

In the matter of dispute between :

Shri Ramagya C/o Shri R. K. Pandey, 67/99 Lal-kuwan, Lucknow.

AND

The Deputy General Manager, Allahabad Bank, Hazaraganj, Lucknow.

AWARD

The Central Government, Ministry of Labour, vide its notification no. L-12012/403/86-D-II(A) dated 26-6-87, has referred the following dispute for adjudication to this tribunal;

Whether the action of the Allahabad Bank in relation to their Balrampur Branch in terminating the services of Shri Ramagya, Sub Staff w.e.f. 24-7-83, is justified? If not, to what relief is the workman entitled?

2. Upon receipt of this reference notices were orders to be issued to the parties for 4-8-87. On 4-8-87, whereas one Shri Rajeev, appeared on behalf of the management, none put in appearance on behalf of the workman, thereupon a fresh notice was ordered to be issued to the workman fixing 7-9-87 for filing claim statement at Camp Lucknow. On 7-9-87, whereas management was represented through Shri S. P. Chaturvedi, Personnel Officer, the workman was found absent. Even no one appeared on his behalf.

3. Since the workman has failed to put in appearance and has failed to file claim statement despite issue of notices twice to him it can be concluded that he is not at all interested in prosecuting the case.

4. Accordingly a no claim Award is given in this case.

ARJAN DEV, Presiding Officer
[No. L-12012/403/86-D.II(A)]

का.आ. 2924—आईयोगिक विवाद अधिनियम, 1947
(1947 का 14) नो धारा 17 के अनुसार में, केंद्रीय सरकार, भारतीय स्टेट बैंक के प्रबंधतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट आईयोगिक विवाद में केंद्रीय सरकार आईयोगिक अधिकरण कानपुर के पंचाट को प्रकाशित करती है, जो केंद्रीय सरकार को 27-9-87 को प्राप्त हुआ था।

S.O. 2924.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the industrial dispute between employers in relation to the State Bank of India and their workman which was received by the Central Government on the 27th September, 1987.

BEFORE SHRI ARJAN DEV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
KANPUR

Industrial Dispute No. 84/86

Reference No. L-12012/108/85-D.II(A) dated 26-5-1986

In the matter of dispute :

Shri Ajit Kumar Chhadha C/o Shri G. K. Pandey,
121, Alop Bagh, Allahabad.

AND

The Regional Manager, State Bank of India, Region-3,
Regional Office, The Mall, Kanpur.

APPEARANCES :

Shri V. V. Mangalvadhekar, representative for the workman.

Shri S. N. Sharma, counsel for the Management.

AWARD

1. The Central Government, Ministry of Labour, vide its notification No. L-12012/108/85-D.II(A), dated 26-5-1986, has referred the following dispute for adjudication to this Tribunal:

Whether the action of the management of State Bank of India in terminating the service of Shri Ajit Kumar Chhadha, Janta Deposit Collector from 26-4-84, is justified? If not, to what relief is the workman concerned entitled?

2. It is the admitted case of the parties that some time before 1980, State Bank of India with a view to mobilising deposit from the small man by bringing the bank to his door steps for collecting deposits, a new Scheme called the Janta Deposit Scheme, permitting deposits in multiples of 50 paisa to be made periodically. The operatives under the said scheme were to be called 'Deposit Collectors' and they were to act Publicity cum Collection representatives of the bank. Deposit collectors as far possible were to be appointed from amongst retired school teachers, Bank's pensioners, ex-servicemen. The basis for selection being integrity, local influence and resourcefulness rather than educational qualifications. Educated unemployed could also be considered for appointment as Deposit Collectors. Appointees were required to enter into an agreement as per annexure B with the bank in the prescribed form and deposit Rs. 1,000/- as security. Ex. M-2 refers to the said scheme and Annexure 'B' of it refers to the form of agreement. The operatives were to be paid commission, normally at the rate of 3-1/2 per cent on all Janta Deposit brought in by them. Since the Scheme did not cover the operation by the members of the staff or their families in case of accounts opened by the Deposit Collectors on behalf of the employees or their family members, they were not be eligible for any remuneration under the Scheme.

3. It was under this Scheme that Shri Ajit Kumar Chhadha, was appointed as Deposit Collector on his executing agreement Ex. M-3, from 4-9-80, his services were however, terminated on 26-4-84.

4. Shri Ajit Kumar Chhadha, has challenged the order of his termination by Branch Manager, State Bank of India, Jhansi Tonganji Branch, Allahabad. According to him the order of termination is illegal. He was given no notice, nor paid any salary in lieu of notice. Even no charge sheet was served on him nor any departmental enquiry was held before the passing of the order of termination. It was only on 30-7-84, i.e. after about 3 months of his termination of his service that an explanation was called for from him which explanation was duly given by him. He has also challenged the agreement which was got executed by bank at the time of his appointment as Deposit Collector. According to him it is no agreement in the eye of law. Banking operations could not be created by such agreements. The sort of agency thrust on him was not an agency permitted by the State Bank of India Act. The whole framework of 'Janta Deposit Scheme' is nothing but a classic example of unfair labour practice devised by the Bank. Although he worked for about 44 months, he was not paid any retrenchment benefit as required by I.D. Act at the time of termination of his service.

5. According to the Bank both the agreement and the order of termination are legal. As Janta Deposit Collector Shri Ajit Kumar Chhadha, was not required to work in the bank for fixed hours nor he was entitled to scaled wages as are applicable to the regular employees of the bank. He was also not required to mark any attendance; rather he was free to pursue any other vocation in addition to the aforesaid agency work. On 18th April, 1984 a written complaint was received from one of the account holders of Janta Deposit Account that Shri Ajit Kumar Chhadha had received a sum of Rs. 225 from him for credit to his account maintained with the Bank and he had also issued a receipt on the prescribed form. He further made an entry of the amount in his pass book, but he tendered to the bank only Rs. 135 instead of Rs. 225, in his account. On investigation the complaint was found correct. The act of misappropriation did cause an aspersion on his conduct and integrity, therefore, the bank considered it expedient to terminate his contract of agency.

6. The bank has further raised the plea that Shri Ajit Kumar Chhadha was not a workman within the meaning of Sec. 2(s) I.D. Act as he was not engaged for hire or reward. His engagement was simply on commission basis directly linked to the amount of actual deposit collected by him. Further the case of Shri Ajit Kumar Chhadha does not come in any of the specified categories of workmen within the meaning of para 23.15 of Desai Award, which is a permanent service condition of the Bank Employees. In any event Shri Ajit Kumar Chhadha, was engaged under Agency arrangement and the such arrangement was terminated in accordance with contract of agency signed by him. Lastly, It is pleaded by the Bank that under the State Bank of India Act and the Banking Regulation Act, the Bank can employ any person on commission under the contract otherwise than as regular member of the staff.

7. From the side of the Bank, the affidavit of Shri Rajendra Singh, an officer of the Bank has been filed. He has been cross examined by the authorised representative of Shri Ajit Kumar Chhadha. The Bank has further filed a number of documents in support of its case. On the other hand Shri Ajit Kumar Chhadha, did file his own affidavit but he did put himself in the witness box for cross examination at the hands of Bank's authorised representative. He has also filed a few documents.

8. The main question before us for consideration is whether Shri Ajit Kumar Chhadha, was a workman within the meaning of section 2(s) of the I.D. Act or not. Admittedly, he had worked on commission basis under the agreement Ext. M-3, from the date of appointment till the date of termination of his services. His remuneration was not fixed. His earnings depending on the volume of business done by him. What to say of evidence it is no where pleaded by him either in the claim statement or in his rejoinder that at any time during continuance of contract of agency, he ever put up a claim with the bank in writing that he was a Bank employee entitled to scaled wages.

9. It further appears that his activities were out door with no fixed hours and no fixed days of working. So far as collections were concerned, it all depend on his sweet will. He could work for an hour or more a day according to his discretion. It was open to him not to work for days together.

10. It is also clear that he had not qualified in any examination conducted for by Bank for recruitment of clerks. In the instant case we even do not know whether or not he possessed the requisite educational qualifications for appointment as clerk. Ext. M-9 is the Identity Card which was issued to him by Bank at the time of his appointment as Deposit Collector in it against the quarry at S. No. 9 word 'Study' is written.

11. The Scheme under which he worked show that it was intended to help retired personnels and even educated unemployed. In fact it was a benevolent scheme for such persons. The above facts and circumstances are thus sufficient for drawing the inference that he could not be a workman. Para 23.15 of Desai Award refers to the following four categories of employees in the Banking Industry:—

1. Permanent Employees,
2. Probationers,
3. Part-time Employees and
4. Temporary employees.

His case is not covered by any of these 4 categories. How in the circumstances he claims himself to be a workman under Sec. 2(s) ID Act is not understood. It is also not understood how his appointment as Deposit Collector amounts to unfair labour practice. If it is so even the agreement entered into by Shri Ajit Kumar Chhadha with the Bank cannot be said as illegal. It is legal and valid agreement.

12. It has been argued by the authorised representative of Shri Ajit Kumar Chhadha that before terminating the services of Shri Ajit Kumar Chhadha, the Bank gave him no notice nor any salary in lieu of notice. Besides he was

not paid any retrenchment compensation. After it has been that he was not a workman within the meaning of section 2(s) of the Act, all this becomes meaningless.

13. Another point raised by the authorised representative of Shri Ajit Kumar Chhadha is that with regard to the alleged complaint no departmental enquiry was conducted by the bank against Shri Ajit Kumar Chhadha and as such the order of termination is illegal.

14. Even in this contention I find absolutely no force. I have found above that he was not a workman nor a regular employee of the Bank. As he was simply working on commission basis the question of holding any departmental enquiry against him did not arise. Even otherwise the Bank has placed sufficient material to establish the malafide of Shri Ajit Kumar Chhadha. Ext. M-5, is the photostat copy of the Pass Book of Shri Vah Bhivi, Ext. M-6 and M-7 are the photostat copies of original and duplicate receipt of Janta Deposit issued by Shri Ajit Kumar Chhadha in the name of Shri Vah Bhivi and Ext. M-11 is the photostat copy of Janta Deposit Account of Shri Vah Bhivi Jain. In the original and duplicate receipt a sum of Rs. 225/- is noted in words and Rs. 135/- are noted in figures, i.e. to say the amount written in words differ from the amount written in figures. In the Pass Book which remains with the account holder amount of Rs. 225, is shown as having been deposited by account holder with the Bank through Shri Ajit Kumar Chhadha. But in the Janta Deposit Account Shri Ajit Kumar Chhadha has shown deposit of only Rs. 135/- instead of Rs. 225/-. Thus it is a clear case of misappropriation of money. The Bank was therefore, fully justified in terminating his agency. Hence, in view of what has been said above it is held that the action of the management State Bank of India, in terminating the services of Shri Ajit Kumar Chhadha 'Janta Deposit Collector' from 26-4-84 was justified. Being so Shri Ajit Kumar Chhadha, is entitled to no relief.

15. Award is made accordingly.

ARJAN DEV, Presiding Officer
[No. I-12012/108/85-D.II(A)]
N. K. VERMA, Desk Officer

नई दिल्ली, 9 अक्टूबर, 1987

का.आ. 2925:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दिग्वादीह कॉलयरी, मैसर्स भारत कोकिंग कॉल लिमिटेड के प्रबंधतात्र के सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, संख्या-2, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 25 सितम्बर, 1987 को प्राप्त हुआ था।

New Delhi, the 9th October, 1987

S.O. 2925.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the Management of Digwadih Colliery of M/s. Tata Iron and Steel Co. Ltd. and their workmen, which was received by the Central Government on the 25th September, 1987.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

Reference No. 325 of 1986

In the matter of industrial dispute under Section 10(1)(d) of the I.D. Act, 1947

PARTIES :

Employers in relation to the management of Digwadih Colliery of M/s. Tata Iron and Steel Company Limited and their workmen.

APPEARANCES :

On behalf of the workmen—Shri A. M. Prasad, President, Coalfield Labour Union.
On behalf of the employers—Shri S. S. Mukherjee, Advocate.

STATE : Bihar.

INDUSTRY : Coal.

Dhanbad, the 8th September, 1987

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide Order No. L-20012 (214)/86-D. III(A), dated the 12th September, 1986.

SCHEDULE

“Whether the action of the management of Digwadih Colliery of M/s. Tata Iron & Steel Company Limited in dismissing from service their workman, Shri Kalu Mudi, Category-I Mazdoor from 30-8-1985 was justified? If not, to what relief is the said workman entitled?”

The case of the workman is that the concerned workman Shri Kalu Mudi was employed as Cat. I Mazdoor in Digwadih Colliery of M/s. TISCO. He came for treatment on account of certain illness at the company's dispensary at the colliery on 17-12-84 and was given free medical treatment and was advised rest by the doctor. He was declared fit for duty with effect from 21-12-84. He did not report for duty on 21-12-84. He remained absent without leave or without giving any information from 21-12-84 to 24-2-85. The management therefore chargesheeted him for absenting without leave or permission for over 10 days and conducted departmental enquiry against him. The management dismissed the concerned workman from service under Standing Order 19(16) of the company on the basis of the enquiry report. The case of the workman, further, is that he remained sick for 3 days and was being treated by the doctor at Digwadih hospital and the doctor issued certificate of fitness and discharged him from the hospital. The concerned workman was not satisfied regarding his recovery from sickness and therefore he went away to his village home and got treatment by the doctor at his village home. The concerned workman also sent an inland letter to the management informing about his illness Dr. T. P. Barnawal under whose treatment he was at his village home issued a medical certificate to him on 20-2-85 and declared him fit to work. It is admitted by the concerned workman that he had received the chargesheet but did not reply to the chargesheet. It is also admitted that he had participated in the enquiry proceeding. It is further stated that the enquiry officer did not consider the medical certificate which was produced by the concerned workman. It is submitted that the enquiry report was perverse. It is proved that his dismissal was not proper and that he should be reinstated in his service with full back wages.

The case of the management is that the concerned workman was treated for his sickness at company's dispensary at Digwadih colliery from 17-12-84 to 20-12-84 and he was declared fit for his duty with effect from 21-12-84. The concerned workman instead of reporting for duty on 21-12-84 started absenting without permission and satisfactory cause for which a chargesheet dated 20/27-3-85 was issued to him. Although the concerned workman received the above chargesheet and was given an opportunity to give his explanation did not submit any reply to the chargesheet. The management got a departmental enquiry held into the charge against the concerned workman and the concerned workman fully participated in the enquiry proceeding before the enquiry officer. The concerned workman was given full opportunity to cross-examine the management's witnesses and was also given opportunity to produce witness in his defence. The concerned workman has also given his own statement before the enquiry officer but did not produce any witness in his defence. After completing the enquiry the enquiry officer submitted his report holding that the charge of misconduct against the concerned workman was fully established on the basis of evidence on record. The

departmental enquiry had been held after observing all the principles of natural justice. On the earlier occasion also the concerned workman was awarded punishment of suspension for 5 days and 10 days for similar type of offence in the domestic enquiry held into those charges against him. The management has given the details regarding the habitual nature of the concerned workman absenting without permission or authorised leave. It is stated that the concerned workman was suspended for 5 days with effect from 3-7-79 for long absence, suspended for 10 days with effect from 24-4-81 for long absence, dismissed with effect from 2-2-82 for long absence, reinstated with effect from 10-8-82, suspended for 5 days with effect from 14-2-82 for his long absence, suspended for 10 days with effect from 27-2-84 for long absence and suspended for 5 days with effect from 28-2-84 for habitual absence. Considering the above conduct of the concerned workman and also the misconduct mentioned in the chargesheet dated 20/27-3-85 the concerned workman was dismissed from the company's service with effect from 30-8-85.

The management in para-9 of their W.S. submitted that the fairness of the departmental enquiry may be heard as a preliminary issue and if the Tribunal finds that the departmental enquiry was not fair or proper, the management may be given chance to prove the charge by adducing fresh evidence before the Tribunal. In view of the said statement of the management the Tribunal took up for consideration whether the workmen were disputing about the fairness or propriety of the departmental enquiry. On 20-7-87 Shri A. M. Prasad representing the workmen submitted that he does not challenge the fairness and propriety of the domestic enquiry and prayed that the case be heard on merit. Accordingly, by order dated 20-7-85 it was held that the domestic enquiry held against the concerned workman into the charges was fair, proper and in accordance with the principles of natural justice and the case was fixed for hearing on merit.

The only point for consideration in this case is whether the dismissal of the concerned workman from service with effect from 30-8-85 was justified. In other words it has to be seen whether the charge against the concerned workman was established before the enquiry officer on the materials which were placed before him.

The workmen produced documents which have been marked Ext. W-1 and W-2. The management's documents have been marked as Ext. M-1 to Ext. M-8.

It is the admitted case of the parties that the concerned workman was treated in the management's dispensary at Digwadih colliery for his sickness from 17-12-84 to 20-12-84 and that the medical officer of the said dispensary declared the concerned workman fit to join his duty from 21-12-84. It is also admitted that the concerned workman did not join his duties on 21-12-84 and that he absented from 21-12-84 for more than 10 days without permission and without applying for leave. Thus the relevant facts of the case are admitted and there is no controversy over this matter.

The case of the workman is that the concerned workman although declared fit by the medical officer of management, Digwadih colliery dispensary was not satisfied regarding his recovery and proceeded to his village home where he was treated by doctor. In support of the case, the workmen have produced medical certificate Ext. W-1 dt 20-2-85 issued by Doctor T. P. Barnawal Medical Officer Incharge of State Dispensary Baranasi Dhanbad. The said certificate shows that the concerned workman was under his treatment from 21-12-84 and was advised rest and was fit to resume his duty from 21-2-85. Thus this certificate is for the period from 21-12-84 to 20-2-85. It appears that even on 21-2-85 the concerned workman did not join his duties as advised by the doctor vide Ext. W-1 and was chargesheeted for being absent for the period 21-12-84 to 21-2-85. Admittedly the concerned workman had proceeded to his village home after he was declared fit to join his duty on 21-12-84 without permission or without filing any application for leave. No reason has been given as to why the concerned workman had proceeded to his village home without taking leave from the management although he was declared fit to resume his duties from 21-12-84.

Ext. W-2 is the application dated 12-2-85 filed by the concerned workman and addressed to the Manager Digwadih colliery. In para-4 of the W.S. the workmen have stated that the concerned workman got the treatment of his sickness at his village home and informed the management through an inland letter that he was still sick. The said W.S. refers to Ext. W-2 and it appears that the said letter of information of sickness of the workman was sent to the management on 12-2-85. There is no assertion on behalf of the workmen that any intimation of the illness of the concerned workman was sent to the management prior to 12-2-85. It is stated in Ext. W-2 that he came to his home on leave and that he could not attend to his duty because of his illness from 21-1-85. This Ext. W-2 states that the concerned workman had gone to his village home after taking leave and that he was unable to attend his duty from 21-1-85. The falsity of Ext. W-2 will be apparent from the fact that admittedly the concerned workman had not taken leave before going to his village home. Secondly, he says that he could not attend his duties from 21-1-82 but he has not mentioned about his absence without leave from 21-12-84 to 20-1-85. In my opinion this letter Ext. W-2 is of no value so as to give importance for the defence of the concerned workmen. So far Ext. W-1 is concerned it will appear that the doctor did not even name the disease from which the concerned workman was suffering and there is a blank in Ext. W-1 regarding the disease from which the concerned workman was suffering. It appears that the doctor who had issued Ext. W-1 cannot even give the name of the disease from which the concerned workman was alleged to be suffering. In my opinion it is not possible to place reliance on the documents such as Ext. W-1 and W-2.

The management had produced the attendance register before the enquiry officer to show the unauthorised absence of the concerned workman and placed the extract from the attendance register Ext. M-1 on the record of the case. The said exhibit M-1 shows that the concerned workman had absented from duty from 21-12-84 to 24-2-85. As the fact of the absence of the concerned workman during the said period is admitted the attendance register has to be relied upon. It is clear therefore that the concerned workman did not report for duty on 21-12-84 although he had been found fit to report for duty on 21-12-84 by the medical officer of Digwadih dispensary. I also hold that the concerned workman absented himself from duty from 21-12-84 to 24-2-85. Admittedly, he had not taken any permission for leave before absenting from 21-12-84 nor he had filed any application for leave. It was for the first time that the concerned workman sent the information of his sickness on 12-2-85 and the concerned workman did not even pray for granting him leave for the period of his absence. I further hold, therefore, that the concerned workman had absented himself from duty from 21-12-84 to 24-2-85 without permission and his absence was unauthorised. Clause 19(16) of the Certified Standing Orders of Tisco Ext. M-8 is as follows :—

"Continuous absence without permission and without satisfactory cause for more than 10 days."

It is established that the concerned workman was continuously absenting himself without permission from 21-1-84 to 24-2-85. It is for the workmen to establish and give satisfactory cause regarding the continuous absence of the concerned workman for more than 10 days without permission. The reason stated by the workmen is that after the medical officer of Digwadih dispensary declared him fit for duty from 21-12-84, the concerned workman went to his village home not being satisfied that he had recovered from his sickness. There was a positive certificate of the medical officer that the concerned workman was fit to do his duty from 21-12-84 and the concerned workman was not competent to say that he was not fit to do his duty. Even if the concerned workman thought that he was not fit or his duty he should have proceeded to his village home after taking leave from the management. The act of the concerned workman in proceeding to his village home without taking leave from the management, when he was actually found fit by the doctor, was an improper act amounting to misconduct. Even after going to his village home he should have applied for leave soon thereafter but he re-

mained silent for more than a month. The doctor's certificate Ext. W-1 on which the workmen have based their case does not even disclose the disease from which the concerned workman was suffering and it cannot therefore be said as to the disease from which the concerned workman was alleged to be suffering during the period of his unauthorised leave. Ext. W-2 gives a lie to the certificate Ext. W-1. If the concerned workman had gone to his village home on leave and was unable to attend his duty from 21-1-83 because of his illness, the certificate Ext. W-1 regarding the illness of the concerned workman from 21-12-84 to 20-2-85 is falsified. Thus the documents produced on behalf of the workmen are not worthy of reliance and it is not possible for me to hold that the workmen have been able to show that the concerned workman had satisfactory cause for his absence without permission for more than 10 days.

Ex. M-1 is the chargesheet dt. 20/27-3-85. The concerned workman was charged for absenting from duty without permission and satisfactory cause from 21-12-84 to 24-2-85. He was not charged for his habitual absence without permission or unauthorised leave. However, the management did produce the service record of the concerned workman disclosing that previously he was suspended five times for long absence and was once dismissed for his long absence and was subsequently reinstated with effect from 10-8-82. The service record, no doubt, show that the concerned workman has history of absenting without leave for which he was punished.

It will appear therefore that there were materials before the enquiry officer to show that the concerned workman had absented from 21-12-84 to 24-2-85 without previous leave or leave application and as such the charge of misconduct under clause 19(16) of the Certified Standing Orders was established against the concerned workman. The concerned workman did not show any satisfactory cause for remaining absent for more than 10 days without permission. Taking all the facts into consideration it appears that the order of dismissal of the concerned workman for the alleged charge appears to be justified.

In the result, I hold that the action of the management of Digwadih Colliery of M/s. Tisco Ltd. in dismissing from service their workman Shri Kalu Mudji from 30-8-85 was justified and consequently he is entitled to no relief.

This is my Award.

Dt. : 8-9-87

I. N. SINHA. Presiding Officer
[No. L-20012/214/86-D. III(A)]
P. V. SREEDHARAN, Desk Officer

नई दिल्ली, 9 अक्टूबर, 1987

का.आ. 2926 केन्द्रीय सरकार ने यह समाधान हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (4) के उपखंड (6) के उपबन्धों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना सं. का.आ. 1059 दिनांक 3 अप्रैल, 1987 द्वारा यूरेनियम उद्योग को उक्त अधिनियम के प्रयोजनों के लिये 20 अप्रैल 1987 से छह मास की कालावधि के लिये लोक उपयोगी सेवा घोषित किया था ;

और केन्द्रीय सरकार की यह राय है कि लोकहित में उक्त कालावधि को छह मास की और कालावधि के लिये बढ़ाया जाना अपेक्षित है,

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (4) के उपखंड (6) के

पत्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिये 20 अक्टूबर, 1987 से छः मास की और कालावधि के लिये लोक उपयोगी सेवा धोयित करती है।

[फा.सं. एस-11017/10/85/डी-1(ए)]

नन्द लाल, अवर सचिव

New Delhi, the 9th October, 1987

S.O. 2926.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provision of sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by notification of the Government of India, in the Ministry of Labour, S.O. No. 1059 dated the 3rd April, 1987 the Uranium Industry to be a public utility service for the purposes of the said Act, for a period of six months, from the 20th April, 1987;

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purpose of the said Act, for a further period of six months from the 20th October, 1987.

[No. S-11017/10/85-D.I(A)]
NAND LAL, Under Secy.

नई दिल्ली, 9 अक्टूबर 1987

का.आ. .—2927 औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार य साल्डरा कोलियरी मैसर्स सैटल कोसे फील्ड्स लि. के प्रबंधतान से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं. 2 धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-9-87 को प्राप्त हुआ था।

New Delhi, the 9th October, 1987

S.O. 2927.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 2, Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Sarubera Colliery of M/s. Central Coalfields Limited and their workmen, which was received by the Central Government on the 29-9-1987.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD.

PRESENT :

Shri I. N. Sinha, Presiding Officer.
Reference No. 249 of 1986

In the matter of industrial dispute under Section 10(1)(d) of the I D. Act, 1947.

PARTIES :

Employers in relation to the management of Sarubera Colliery of M/s. C.C. Ltd, and their workmen.

APPEARANCES :

On behalf of the workman : Shri B. Joshi, Advocate.

On behalf of the employers : Shri R. S. Murthy, Advocate.

STATE : Bihar.

INDUSTRY : Coal.

Dated, Dhanbad, the 22nd September, 1987

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-24012(18) 86-D.IV(B) dated the 4th July, 1986.

SCHEDULE

“Whether the action of the management of Sarubera Colliery of M/s. C. C. Lt., P.O. Sarubera, Distt, Hazaribagh in terminating the services of Shri Soura Munda without giving him opportunity of being heard is legal and justified ? If not to what relief is the concerned workman entitled ?”

In this reference both the parties appeared and filed their respective W.S. etc. Thereafter the case proceeded along with the course. Ultimately on 18-9-87 both the parties appeared before me and filed a Joint Compromise petition. I find that the terms contained therein are fair proper and beneficial to both the parties. Accordingly I accept the same and pass an Award in terms of the said compromise petition which forms part of the Award as Annexure.

I. N. SINHA, Presiding Officer
[No. L-24012/18/86-DIV (B)]

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, DHANBAD

In the matter of Reference No. 255 of 1986

PARTIES :

Employers in relation to the Management of Sarubera Colliery of Central Coalfields Limited, P.O. Sarubera

AND

Their workmen.

JOINT COMPROMISE PETITION OF EMPLOYERS
AND WORKMEN

The above mentioned employers and workmen most respectfully beg to submit jointly as follows :—

- (1) That the employers and the workmen have jointly negotiated the matter covered by the aforesaid reference with a view to arriving at a mutually acceptable and amicable overall settlement.
- (2) That as a result of such negotiations, the employers and the workmen have jointly arrived at the following settlement in regard to the matter covered by the aforesaid reference.
 - (a) It is agreed that the employers shall provide employment to the workman concerned, Smt. Sohagi Kamin, a piece rated worker in her original post, from the date, this settlement is signed and come into force.
 - (b) That for the intervening period from the date of termination of her service w.e.f. 3-10-1980 till the date of her resuming duty the workman concerned will be paid a lumpsum amount of Rs. 21,000/- (Rupees twenty one thousand) only by the Management towards her wages and other benefits etc.
 - (c) It is agreed that the aforesaid amount of Rs. 21,000/- will be paid to the workman concerned by the Management not later than 20th of August, 1987.
 - (d) It is agreed that the aforesaid agreement is in full and final settlement of all the claims of the workman concerned arising out of the aforesaid reference.

(e) It is agreed that the workman concerned will have continuity of service with reference to her previous service and that the intervening period between 3-10-80 and the date on which she resumes duty the aforesaid agreement is fair, just and reasonable leave without wages.

(3) That the employers and the workmen consider that the aforesaid agreement is fair, just and reasonable to both the parties.

In view of the above, the employers pray that the Hon'ble Tribunal may be pleased to accept this joint compromise petition and the terms and conditions laid down therein and disposes of the reference by giving an award in terms thereof.

S. D. SHARMA, Secretary,
Central Committee,
United Coal Workers Union

For and on behalf of workmen

L. N. MALLIK, Project Officer[Agent,
Serubera Colliery,

Central Coalfields Limited
For and on behalf of Employers

Witness :

1. Sri S. N. Jha, Secretary,
U.C.W.U.,
Kuju Area

2. Smt. Sohagi Kamin,
R. T. Impression

workman concerned.

Witness :

1. Ral. S. Murthy,
Advocate of Employers.

2. D. S. Pandey, Dy. CPM,
CCL, Kuju Area

B. Joshi, Advocate

For workmen
Dated, the 28th July, 1987

I. N. SINHA, Presiding Officer
Central Govt. Industrial Tribunal (No. 2)
Dhanbad.

का.आ. 2928.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पुतकी कोल्यारी, मैसर्स भारत कोकिंग कॉर्प लिमिटेड के प्रबंधनतंत्र के सम्बद्ध नियोजकों और उनके कर्मकारों के बीच अनुवंश में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, रास्था 2, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 25 सितम्बर, 1987 को प्राप्त हुआ था।

S.O. 2928.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the Management of Putke Colliery of M/s. Bharat Coking Coal Ltd. and their workmen, which was received by the Central Government on the 25th September, 1987.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri I. N. Sinha, Presiding Officer,
Reference No. 53 of 1986

In the matter of industrial dispute under Section 10(1)(d) of the I. D. Act, 1947.

PARTIES :

Employers in relation to the management of Putke Colliery of M/s. Bharat Coking Coal Limited and their workmen.

APPEARANCES :

On behalf of the workmen : Shri S. S. Bhattacharjee, Authorised Representative of R.C.M.S.
On behalf of the employers : Shri B. Joshi, Advocate.

STATE : Bihar INDUSTRY : Coal

Dated, Dhanbad, the 15th September, 1987.

AWRD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(224)/85-D. III(A), dated, the 21st January, 1985.

SCHEDULE

"Whether the demand of the Rashtriya Colliery Mazdoor Sangh for regularisation of Shri S. S. Pasa as Cap Lamp Incharge in Clerical Grade I by the management of Putke Colliery of M/s. Bharat Coking Coal Ltd. from 9-1-1981 is justified ? If so, to what relief is the workman concerned entitled ?"

In this case only workmen filed their W.S. Thereafter both the parties appeared and filed a Joint Compromise petition under signature of both the parties. I heard the parties on the said petition of Joint compromise and I do find that the terms contained therein are fair, proper and beneficial to both the parties. I therefore, accept the same and pass an Award in terms of the said Joint Compromise petition which forms part of the Award as annexure.

I. N. SINHA, Presiding Officer
[No. L-20012(224)/85-D.III (A)]

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, DHANBAD

In the matter of Reference No. 53/86

PARTIES :

Employers in relation to the management of Putke Colliery of M/s. Bharat Coking Coal Ltd., P.O. Kusunda, District Dhanbad.

AND

Their Workmen.

JOINT COMPROMISE PETITION OF THE EMPLOYERS AND WORKMEN

1. That the employers and workmen have jointly negotiated the matter directly as covered by the aforesaid reference with a view to coming to a mutually acceptable and amicable settlement.

2. That as a result of such direct negotiations, the parties have arrived at a settlement on the following terms :—

(a) That it is agreed that Sri S. S. Pasa, Cat. V, worker of Putke Colliery will be designated as Cap-lamp-Incharge will be placed in clerical Gr. I w.e.f. 9-1-81. However, he will be given motional seniority in Cl. Gr. I with effect from 9-1-81 and actual monetary benefit will accrue to him from 21-1-86 i.e. from the date of reference.

(b) That on fulfilment of the provisions referred to in clause (a) above, the dispute referred to this Hon'ble Tribunal would stand finally resolved and that this Hon'ble Tribunal will be requested to pass an award accordingly.

3. That the provision of clause (a) above having been fulfilled Sri Pasa has been designated as Cap Lamp-Incharge & placed in Cl. Gr. I.

In view of the above, the employers and the workmen most respectfully pray that the Hon'ble Tribunal may be pleased to dispose of the reference in terms of the joint compromise petition.

(S. S. Bhattacharjee)

Authorised representative of

R.C.M.S.

For and on behalf of Workmen

Dhanbad, _____.

Sd/-

B. M. LALL, Dy. Chief Personnel Manager,
P. B. Area.

For and on behalf of Workmen

का.आ. .—2929 औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार व केडला भूमिगत परियोजना मैसर्से सी. सी. लि. के प्रबंधतान से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं. 2 धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-9-87 को प्राप्त हुआ था।

S.O. 2929.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2, Dhanbad, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Kedla Underground Project of Central Coalfields Ltd. Kedla and their workmen, which was received by the Central Government on the 29th September, 1987.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri I. N. Sinha, Presiding Officer.

Reference of 162 of 1985

In the matter of industrial dispute under Section 10(1)(d) of the I.D. Act, 1947.

PARTIES :

Employers in relation to the management of Kedla Underground Project of M/s. C.C. Ltd and their workmen.

APPEARANCES :

On behalf of the workmen—Shri S. Bose. Secretary, R.C.M.S.

On behalf of the employers—Shri R. S. Murthy, Advocate.

STATE : Bihar

INDUSTRY : Coal

Dated, Dhanbad, the 21st September, 1987

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-24012(29)/85-D.IVB dated the 3rd December, 1985.

SCHEDULE

“Whether the action of the Management of Kedla Underground Project of C.C. Ltd., Kedla, Dist. Hazaribagh in denying promotion/regularisation to S/Shri Munshi Singh (2) Shukhdeyl Kamlesh (3) Baleshwar Ram, (4) Dominik Uraon, (5) Anwar Ali and (6) Leo in Ca, IV since 1977 when the management is paying them difference of wages of higher categories is legal and justified ? If not, to what relief the workmen concerned are entitled ?”

In this case both the parties appeared and filed their respective W.S. Thereafter the case proceeded alongwith its course. Ultimately on 8-9-87 both the parties appeared before me and filed a Joint compromise petition. I find that the terms contained therein are fair, proper and beneficial to both the parties. I accordingly accept the same and pass an Award in terms of the said joint compromise petition which forms part of the Award as Annexure.

I. N. SINHA, Presiding Officer.
[No. L-24012/29/85-D.IV(B)]

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, DHANBAD

In the matter of Reference No. 162 of 1985

PARTIES :

Employer in relation to the management of Kedla Underground Project of Central Coalfields Limited, P.O. Kedla, Distt. Hazaribagh.

AND

Their workmen

Joint Compromise Petition of Employers and Workmen. The above mentioned Employer and Workmen most respectfully beg to submit jointly as follows :—

- (1) That the Employers and the Workmen have jointly negotiated the matter covered by the aforesaid reference with a view to arriving at mutually acceptable and amicable settlement.
- (2) That as a result of such negotiations the employers have agreed to give effect to the regularisation of S/Shri Munshi Singh, Baleshwar Ram, Dominik Uraon, Anwar Ali and Leo as Sub Station Attendant, Cat-III with effect from 1-9-1982 instead of 21-6-1985. The Workmen concerned will, however, be given only notional seniority without any arrears of wages but they will get the benefit of annual increment in their existing scale taking into account the date of their placement in the scale w.e.f. 1-9-1982.
- (3) That as regards Shri Sukh Dayal Kamlesh, one of the workmen covered under the reference had already been transferred from Kedla Underground Project to Laiyo Colliery vide Office Order No. PO/KUGP/84/7828-34 dated 3-12-1984 and thereafter he ceased working at Kedla Underground Project as Sub Station Attendant. This fact was brought before the Hon'ble Tribunal vide para 6 of the Written Statement-cum-Rejoinder of the Employers, filed on 10-5-1986.
- (4) That this mutual settlement will be in full and final settlement of the demands of Shri Munshi Singh and five others as covered under Reference No. 162 of 1985 and as a result of the dispute no longer survives.

In view of the above the Employer and the workmen jointly pray that the Hon'ble Tribunal may be pleased to give an Award and dispose of the matter accordingly.

(K. P. SINGH)

Area Secretary,
Rashtriya Colliery Mazdoor
Sangh : Hazaribagh Area.

(U. S. RAI)
Project Officer/Agent
Kedla Underground Project

(RAM YASH TIWARI)
Vice President
Rashtriya Colliery Mazdoor
Sangh, Kedla Underground
Project.

(R. P. SHARMA)
Personnel Manager(H),
Central Coalfields Limited
CHARHI.

Witness :—

1. R. P. Singh.
2. Sahdeo Ray.

का.आ. 2930 अंशोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार धर्माबन्ध कॉलियरी, मैसर्स भारत कोकिं कोल लिमि. के प्रबंधतात्र के सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट अंशोगिक विवाद में केन्द्रीय सरकार अंशोगिक अधिकरण संख्या 2, धनबाद के पंचाट की प्रकाशित करती है, जो केन्द्रीय सरकार को 25 सितम्बर, 1987 को प्राप्त हुआ था।

S.O. 2930.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Dharmaband Colliery of M/s. Bharat Coking Coal Ltd., and their workmen, which was received by the Central Government on the 25th September, 1987.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri I. N. Sinha, Presiding Officer.
Reference No. 150 of 1986

In the matter of an industrial dispute under Section 10(1)(d) of the I. D. Act, 1947

PARTIES :

Employers in relation to the management of Dharmaband Colliery of M/s. Bharat Coking Coal Limited and their workmen.

APPEARANCES :

On behalf of the workmen—Shri D. Mukherjee, Secretary, Bihar Colliery Kamgar Union.

On behalf of the employers—Shri B. Joshi, Advocate.

STATE : Bihar INDUSTRY : Coal
Dhanbad, the 7th September, 1987

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(370)/85-D.III (A), dated, the 20th March, 1986.

SCHEDULE

"Whether the demand of Bihar Colliery Kamgar Union that the management of Dharmaband Colliery of M/s. Bharat Coking Coal Limited, should regularise their worker, Smt. Gouri Devi, as Ayah is justified ? If so, to what relief the worker concerned is entitled ?"

The case of the workmen is that the concerned person Smt. Gouri Devi was working as Dispensary Ayah continuously since 1-4-83 at Dharmaband Colliery dispensary of M/s. B.C.C.L. She represented before the management several times for her regularisation as Ayah as per Coal Wage Board Recommendation but without any effect. The management had implemented the Wage Board Recommendation and the subsequent NCWAs. Accordingly all the employees of BCCL are entitled to receive wages as per Wage Board Recommendations. As per management's own policy decision and standing orders of the colliery the concerned person is entitled to be regularised as Ayah with retrospective effect, in Grade-H. The concerned person is however getting wages of Cat. I only. The union raised an industrial dispute before the ALC(C), Dhanbad demanding regularisation of the concerned person as Dispensary Ayah with retrospective effect. The management came out with a case before the conciliation officer that the concerned person was engaged for doing the job of cleaning and sweeping of the dispensary which was challenged by the union. After failure of the conciliation the present reference was made to this Tribunal for adjudication. It is submitted that the action of the management in not regularising the concerned workman as Ayah with retrospective effect was illegal, arbitrary, unjustified, against the policy decision of the management and against the provision of the Standing Orders and the Wage Board Recommendation. It is prayed that the concerned person be regularised as Ayah in Grade-H with retrospective effect with all consequential benefits.

The case of the management is that the concerned person is not working as Ayah. She does not possess the requisite qualification to be appointed as Ayah. She has also no experience as Ayah. She therefore cannot claim for regularisation as Ayah. Formerly, she was working as Shale picker as Cat. I mazdoor. She requested for a lighter job from the management and thereafter she was deputed to work in the colliery dispensary as General Mazdoor for cleaning and washing the dispensary building and utensil from 1-4-83. Shale picker and General Mazdoor are put in Cat. I and as such the wages of the concerned person remained the same which she was getting before. Her Cat. I wages was fixed according to NCWA-III which was in operation from 1-1-83. After completion of one year training as Ayah, a person can be considered for appointment to the post of an Ayah. She did not undergo any training and she had no experience. She therefore cannot claim for regularisation as Ayah. The demand of the union for regularisation of the concerned person as Ayah in Grade-H is without any merit and she is not entitled to any relief.

The only question to be determined in this case is whether the concerned person Smt. Gouri Devi is entitled to be regularised as Ayah.

The workmen examined two witnesses and the management examined two witnesses, to prove their respective cases. The union also produced document which is marked Ext. W-1. The management did not produce any document.

WW-1 is the concerned person Smt. Gouri Devi. She has stated that since 1983 she is working at Dharmaband Colliery dispensary as Ayah regularly and continuously. She has stated that she had attendance of 240 days or more in each year since her appointment as Ayah. She has also admitted that originally she was appointed as Shale Picker in Cat. I and she was getting the wages of Cat. I even after she started working as Ayah. She has specifically denied that she was working in the dispensary in the cleaning job and has asserted that she was working as an Ayah in the dispensary. She has exhibited office order Ext. W-1 dated 23-3-83. The said office order Ext. W-1 shows that the Manager of Dharmaband Colliery allowed the concerned person Gouri Devi to work as Ayah, temporarily and that he was given the said light duty due to the complications arising of her tubectomy operation with immediate effect in the colliery dispensary.

Thus the case of the workmen finds support from the office

order Ext. W-1 issued by the Manager, Dharmaband colliery on 23-3-83. In cross-examination WW-1 has admitted that she had physical ailment as she was operated and thereafter she felt it difficult to work as Shale picker. She has stated that she requested the management to employ her in some light job as it was not possible for her to work as Shale picker. Thus there is no dispute about the fact that she was originally working as Shale picker in Cat. I and that on her request the management employed her in light job in Dharmaband Colliery dispensary. WW-2 Rudal Harijan is a Ward boy in Dharmaband Colliery dispensary. He has stated that besides doing the work of Ward Boy he is cleaning the table. He has also stated that there is Sweeper for sweeping job in the dispensary. According to him the concerned person is working regularly as Ayah in the said dispensary. Thus the case of the workmen is supported by a Ward Boy who is actually working in Dharmaband Colliery dispensary. MW-1 was working as Senior Medical Officer from December, 1981 to November, 1985 in Dharmaband Colliery. He has stated that the concerned person was working as General Mazdoor in the dispensary and not as an Ayah. He has also stated that she had no qualification for working as Ayah. He has tried to show that in the dispensary the doctors did not take the case of female disease and maternity and as such there was no necessity of Ayah in the dispensary. He has stated that the concerned person used to change the bed cover, bring tea from the stall, used to bring instruments and also used to clean the utensils, windows etc. In his cross-examination he has stated that the concerned person started working in the dispensary as per direction of the Manager. He has stated that he does not know if the colliery manager had directed the concerned person to work as Ayah in the dispensary. MW-1 was the doctor who was the medical officer of Dharmaband Colliery at the time when the concerned person was deputed to work there. The workmen have filed the office order Ext. W-1 to show that she was allowed to work as Ayah in Dharmaband Colliery dispensary and it is expected that the doctor must have received the said office order. The management has not produced any other office order to show that the concerned person was deputed to work in Dharmaband Colliery dispensary to work as general mazdoor. Had there been any such office order the management must have produced the same. In this view of the matter it appears that Ext. W-1 is a genuine document and the concerned person was in fact allowed to work as Ayah in Dharmaband Colliery dispensary. The management has examined another witness MW-2 Shri R. K. Jha who was posted in Dharmaband Colliery dispensary from January, 1986 to December, 1986. The management has tried to reinforce the evidence of MW-1 by examining another medical officer MW-2 to show that the concerned person was working in the dispensary as general mazdoor and not as an Ayah. MW-2 has stated that there is no post of Ayah in Dharmaband Colliery dispensary. According to him the duties of Ayah are mostly required in delivery cases. He has further stated that no delivery cases are taken up in Dharmaband Colliery dispensary and that the doctors do not examine the female patients internally in respect of gynaecological cases. He has stated that there is no gynaecological unit in Dharmaband Colliery dispensary and in case of emergency the medical officer manages the patient. He has stated that he does not know if the concerned person was directed to work as Ayah by the Manager of Dharmaband Colliery and he did not make any enquiry from the Manager about the designation of the person. Thus it appears from his evidence that he cannot deny specifically that the concerned person was not appointed as Ayah in Dharmaband colliery dispensary.

WW-2 in his cross-examination has stated that there was a ward boy in Dharmaband dispensary who used to clean the table and produced the patients before him. He has also stated that there was a Sweeper who used to sweep the latrine and bathrooms. He was unable to say if there was any vacancy of Ayah in Dharmaband Colliery dispensary. He was unable to say if the concerned person had been directed by the Manager to work as Ayah. He was also ignorant about the job being performed by an Ayah in the hospital of BCCL and as such it was not possible for him to deny that the concerned person was not working as Ayah. Moreover, the evidence of MW-2 will show that as there was already a Ward boy to clean the table and to produce the patient and a Sweeper to sweep and clean the latrine and bathroom there was no necessity for having a general mazdoor

in the colliery dispensary for doing the job which was already being performed by the Ward Boy and the Sweeper. MW-1 in his cross-examination has stated that he has not gone through the circular regarding the number of Para medical staff to be posted in the dispensary of BCCL. Hence his evidence is not specific on the point that an Ayah cannot be appointed in a colliery dispensary. MW-1 has admitted that the doctor treat female patients in the dispensary. A female patient may have gynaecological or delivery problems which are not attended by the doctors of the colliery dispensary but a female worker may have problems other than gynaecological or delivery matters and as such these problems and diseases have to be attended by the doctors of the colliery dispensary. It is in connection with such a patient that MW-1 has stated in his cross-examination that the doctors treat female patients. The concerned person as WW-1 has stated in her evidence that she is working in the dispensary as directed by the doctor of the dispensary. It appears therefore that the concerned person was required to attend the doctor while female patients were being examined in the dispensary.

The cumulative effect of all the evidence discussed above will show that the concerned person was in fact working as Ayah in Dharmaband Colliery dispensary as directed by the Colliery Manager vide Office order Ext. W-1. It is admitted in para 3 of the W.S. of the management that the concerned person was deputed to work in the colliery dispensary with effect from 1-4-83. There is also no denial of the fact that she was regularly working in Dharmaband Colliery dispensary since 1-4-83. The only question in dispute is whether she was working as Ayah or as a General Mazdoor. I have already discussed above and have come to a finding that she was working as Ayah in Dharmaband colliery dispensary. Thus I hold that the concerned person was working as an Ayah in Dharmaband colliery dispensary regularly since 1-4-83. As she has continued to work as Ayah since 1-4-83 and is still working there, it is a fit case that she should be regularised as Ayah in the colliery dispensary.

One of the objections raised on behalf of the management against the regularisation of the concerned person as an Ayah is that she had no training for Ayah. The management have adduced no evidence to show that there was any period of training prescribed for becoming an Ayah. MW-1 has stated in his examination-in-chief that the concerned person had no qualification for working as an Ayah. In cross-examination MW-1 has stated that he does not know if there is any prescribed qualification for appointment of an Ayah. MW-2 has also not stated about the qualification for the appointment as an Ayah. The fact that the Manager of the colliery vide Ext. W-2 had allowed the concerned person to work as an Ayah in the dispensary shows that no specific qualification was required for appointment of an Ayah in the dispensary as such he had appointed the concerned person as an Ayah in the colliery dispensary at Dharmaband.

The workmen have demanded that the concerned person should get Grade-H as an Ayah and she should be paid the wages of Grade-H since her appointment as Ayah with effect from 1-4-83. There is no denial by the management that an Ayah is not placed in Grade-H. Accordingly I hold that the concerned person who is working as an Ayah since 1-4-83 is entitled to the wages of Grade-H since the time of her appointment. As the concerned person has worked regularly as an Ayah since 1-4-83 she is entitled to be regularised as an Ayah in Grade-H.

In the result, I hold that the demand of Bihar Colliery Karmgar Union that the management of Dharmaband Colliery of M/s. B.C.C.L. should regularise their worker Smt Gouri Devi as Ayah is justified. The management is directed to regularise the said concerned person as an Ayah in Grade-H since 1-4-83 and should also give the difference of Wages of Cat-I and Grade-H with all consequential benefits.

This is my Award.

I. N. SINHA, Presiding Officer
[No. L-20012/370/85/D.III(A)]

का. आ. 2931—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार व सार्वजनिक कोलफील्ड्स लि. के प्रबंधनतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2, धनबाद के पंचाट को प्रकाशित करनी है, जो केन्द्रीय सरकार को 29-9-87 को प्राप्त हुआ था।

S.O. 2931.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2, Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Sarubera Colliery of Central Coalfields Limited and their workmen, which was received by the Central Government on the 29th September, 1987.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri I. N. Sinha, Presiding Officer.

Reference No. 255 of 1986

In the matter of industrial dispute under Section 10(1)(d) of the I. D. Act, 1947

PARTIES :

Employers in relation to the management of Sarubera Colliery of M/s. Central Coalfields Limited and their workmen.

APPEARANCES :

On behalf of the workmen—Shri B. Joshi, Advocate.
On behalf of the employers—Shri R. S. Murali, Advocate.

STATE : Bihar

INDUSTRY : Coal

Dhanbad, the 22nd September, 1987

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred by them under section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-24012 (19)/86-D.IV (B) dated, the 2nd July, 1986.

SCHEDULE

"Whether the action of the management of Sarubera Colliery of Central Coalfields Limited, P.O. Sarubera, Distt. Hazaribagh in terminating the services of Smt. Sohagi Kamin without giving any opportunity of being heard, is legal and justified? If not, to what relief is the concerned workman entitled?"

In this case both the parties filed their respective W.S. etc. Thereafter the case proceeded along with its course. Ultimately on 16-9-87 both the parties appeared and filed a Joint Compromise petition. The terms contained therein are fair, proper and beneficial to both the parties. Accordingly I accept the said petition of compromise and pass an Award in terms thereof. The joint compromise petition forms a part of the Award as Annexure.

I. N. SINHA, Presiding Officer
[No. L-24012/19/86-D.IV (B)]

ANNEXURE BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, DHANBAD

In the matter of Reference No. 249 of 1986

PARTIES :

Employers in relation to the Management of Sarubera Colliery of Central Coalfields Limited, P.O. Sarubera, Distt. Hazaribagh.

AND

Their workmen.

JOINT COMPROMISE PETITION OF EMPLOYERS AND WORKMEN

The above mentioned employers and workmen most respectfully beg to submit jointly as follows :—

- (1) That the employers and the workmen have jointly negotiated the matter covered by the aforesaid reference with a view to arriving at a mutually acceptable and amicable overall settlement.
- (2) That as a result of such negotiations, the employers and the workmen have jointly arrived at the following overall settlement in regard to the matter covered by the aforesaid reference.
 - (a) It is agreed that the employers shall provide employment to the workmen concerned Sri Somra Munda, Piece Rated worker in his original post from the date this settlement is signed and come into force.
 - (b) That for the intervening period from the date of termination of his service w.e.f. 2-12-83 and till the date of his resuming duty the workmen concerned will be paid lumpsum amount of Rs. 21,000 (Rupee twenty one thousand only) by the management towards his wages and other benefits etc.
 - (c) It is agreed that the aforesaid amount of Rs. 21,000 will be paid to the workmen concerned by the Management not later than 20th of August, 1987.
 - (d) It is agreed that the aforesaid agreement is in full and final settlement of all the claims of the workmen concerned arising out of the aforesaid reference.
 - (e) It is agreed that the workmen concerned will have continuity of service with reference to his previous service and that the intervening period between 2-12-83 and the date on which he resumes duty will be treated as *dise non. i.e. extraordinary leave without wages.*
- (3) That the employers and the workmen consider that the aforesaid agreement is fair, just and reasonable to both the parties.

In view of the above, the employers pray that the Hon'ble Tribunal may be pleased to accept this joint compromise petition and the terms and conditions laid down therein and dispose of the reference by giving an award in terms thereof.

(S. D. SHARMA)

Secretary,

Central Committee,

United Coal Workers Union

For and on behalf of Workmen
Witness :

1. (Sri S. N. Jha)
Secretary,
U.C.W.U.,
Kuju Area,

2. (Sri Somra Munda)
workman concerned.

(L. N. MALLIK)
Project Officer/Agent,
Sarubera Colliery,
Central Coalfields Limited,
For and on behalf of Employers.

Witness—

1. (Raj. S. Murthy)
Advocate of Employers.
2. (D. S. Pandey)
Dy. C.P.M.
CCL, Kuju Area.

मेरे मामने सोमरा मुण्डा का अंगठे का निशान दिया।

Sd/- S. Prasad
S/o Narayan Prasad
Gr. II Clerk.
मास्टर बोडा कोलियारी
सचिव, U.C.W.U.
बोर्ड सारबेहा

Sd/- B. Joshi
(Advocate)
For Workman:

I. N. Sinha,
Presiding Officer
Central Government Industrial
Tribunal No. 2, Dhanbad

Dated, the 28th July, 1987.

का. आ. 2932—औद्योगिक विवाद अधिनियम, 1947
(1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार भागाबन्ध कोलयरी, मैसर्स भारत कोकिंग कोल लि., के प्रबंधतंत्र के भवित्व नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, संख्या 1, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 25 मिस्र्प्यर, 1987 को प्राप्त हुआ था।

S.O. 2932.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the Management of Bhagaband Colliery of M/s. Bharat Coking Coal Ltd., and their workmen, which was received by the Central Government on the 25th September, 1987.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under section 10(i)(d) of the Industrial Disputes Act, 1947.

Reference No. 76 of 1983

PARTIES :

Employers in relation to the management of Bhagaband Colliery of M/s. Bharat Coking Coal Limited.

AND

Their Workmen

PRESENT :

Shri S. K. Mitra, Presiding Officer.

APPEARANCES :

For the Employers—Shri B. Joshi, Advocate.

For the Workmen—Shri Lalit Burman, Vice President, United Coal Workers' Union.

Dhanbad, dated the 9th September, 1987

AWARD

The Central Government in the Ministry of Labour has, by Order No. L-20012(1/1)/83-D. III(A) dated, the 9th November, 1983, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute to this Tribunal for adjudication:—

“Whether action of the management of Bhagaband Colliery of Messrs Bharat Coking Coal Limited, Dhanbad in not providing employment to Srimati Reshma Telin from September, 1975 as Wagon Loader is justified? If not, to what relief is she entitled?”

2. The case of the management, shown of details, is as follows:

The concerned lady named Reshma Telin was a casual wagon loader of Bhagaband Colliery. By an Office Order, dated 28-8-75, she and 21 others were transferred to Balihari Colliery as casual wagon loaders since wagons for loading of coal at Bhagaband Colliery were not available. In compliance with the Office Order the co-workers of the concerned lady joined their duties at Balihari colliery. But the concerned lady for some reason or other did not like to join at Balihari Colliery and left her employment without any intimation to the management of Balihari or Bhagaband Colliery. During the period between 1973 and 1975 reorganisation schemes in the collieries were taken up. Small collieries were amalgamated into bigger units and the workmen of smaller names were grouped together and in the process some regularity in all spheres of work was achieved. The contract system existing in several spheres was abolished and all important and regular works were carried on departmentally. The need for engagement of casual wagon loaders was not felt necessary as regular and permanent wagon loaders were sufficient to carry on wagon loading jobs. The management tried to adjust and readjust the casual wagon loaders in different collieries. In course of time several casual wagon loaders who completed 240 days attendances in a calendar year were made permanent. In that process some wagon loaders who were irregular and who could not adjust themselves the new situations, left their employment. A casual worker has got no right to claim for employment as a matter of right. He is given employment whenever there is requirement for his service. The casual wagon loaders were provided with jobs whenever more wagons used to be supplied for loading and the permanent wagon loaders could not load all the wagons in their stipulated time. The concerned lady did not like such type of casual job and on her transfer left her employment. She did not report for duty at Balihari Colliery. She never requested for allowing her duty at Bhagaband or any other colliery. She just left her employment at her own volition.

3. The case of the concerned workman is as follows :

She had been working at Bhagaband Colliery as a wagon loader since 17-10-1971. Her No. in form 'B' register was 92 and she was given Identity Card. She along with others were transferred from Bhagaband to Balihari Colliery by Office Order dated 28-8-75 issued by the Sub Area Manager, Sub-Area No. XIII. She and others were not given work at Balihari Colliery by the management and were sent back to Bhagaband Colliery. She was refused work at Balihari Colliery and in such a predicament she reported back to Bhagaband Colliery where also she was not given employment by the management who presumably treated her as casual wagon loader though some other wagon loaders were allowed to resume work. The management did not give her any notice disclosing reason for rendering her idle. She is an illiterate village women; She knocked at the doors of all the authorities concerned for employment, but failed to get any remedy. The management regularised a large number of casual workers as permanent workers, gave employment to unlisted casual workmen in casual pool and subsequently regularised them. But although she had identity card and was a member of C.M.P.F. her case was not considered for permanent employment nor was she allowed to resume work. She applied to the Agent, Balihari Colliery, Agent Bhagaband Colliery and the General Manager, Bhagaband Area No. VII, for employment. But the management adopted delaying tactics and as a result she was not provided with employment. She is entitled to get employment in Bhagaband Colliery where he was working at the time of take over and the action of the employer in refusing her employment is not lawful and justified. In the circumstances she has prayed that she should be deemed to be in the employment of the management and entitled to get full wages from September, 1975 till the date she is provided with employment by the management.

4. The management has examined two witnesses, namely, MW-1, N. K. Sinha who was erstwhile posted as Personnel Officer in Bhagaband Colliery and MW-2, S. K. Chatterjee clearing at Bhagaband Colliery. On the other hand, the workman has examined herself as WW-1 and one Ram Nath Singh as WW-2. She has also introduced in evidence her identity card, her letter to the management and to the Asstt. Labour Commissioner (C), Dhanbad which have been marked as Exts. W-1 to W-3 respectively.

5. It is the undisputed position that Reshma Telin was a workman of Bhagaband Colliery as a wagon loader and that she joined the service of the colliery on 17-10-71. It has been claimed by the concerned workman in her evidence that by dint of her service over the years she has qualified herself for being permanent. But this is a departure from her case in her pleading because she has not claimed such status therein. On the other hand the management has asserted that she was a casual wagon loader of Bhagaband Colliery. This fact is supported by the Identity Card issued to her. In the Identity Card the designation of the concerned workman has been described as Pool/Loader and that the date of her employment was 17-10-1971. One of the witnesses for the management, namely MW-2 S. K. Chatterjee has stated that the concerned workman was a casual wagon loader. This being the evidentiary position I come to the conclusion that the concerned workman was engaged as casual wagon loader of Bhagaband Colliery and that her claim for the status of a permanent workman must founder on the ground as it is not supported by any cogent evidence.

6. There is no dispute that the concerned workman joined the service of Bhagaband Colliery on 17-10-1971 as a casual pool wagon loaders. It is also the irrefragable position that by an Office Order dated 28-8-75 she along with 21 other workmen were transferred to Balihari Colliery. The plea of the management is that consequent upon the reorganisation of the administration of the collieries after nationalisation it was found necessary that these workmen should be transferred to Balihari Colliery as there was no sufficient work for loading at Bhagaband Colliery owing to non-availability of wagons. This plea has not been traversed by the management at the time of trial. Whatever may be the actual position, the fact remains that the concerned workman along with 21 others was transferred to Balihari Colliery by an Office Order dated 28-8-75 and that the order of transfer became effective in the same month. The concerned workman did not assail the order of transfer on any ground and in such circumstances it shall be presumed that the Office Order regarding transfer was issued in the interest of administration.

7. Now the stage has reached where the contending parties have taken up divergent position. The case of the management is that the concerned workman did not like to join her appointment at Balihari Colliery and left her employment without any intimation to the management either of Balihari colliery or of Bhagaband Colliery. On the other hand, the case of the concerned workman is that she reported for duty at Balihari Colliery, but she was not assigned any work by the management of the said colliery and that they were sent back again to Bhagaband Colliery. In support of the case of the management MW-2 S. K. Chatterjee has stated that since her transfer the concerned workman did not submit any representation either orally or in writing alleging that she was not being entrusted with any work at Balihari Colliery. But in cross-examination this witness has admitted that all that he has stated relating to the representation or no representation by the concerned workman is that she did not approach him for employment at Bhagaband Colliery and that it might be that she approached higher echelons for employment. On the other hand, the concerned workman has stated that some ten workmen including herself were transferred to Balihari Colliery in a batch in August, 1975 and that at Balihari Colliery the management received from them the letters of transfer but did not provide them with employment. It is her further testimony that when they were back again in Bhagaband Colliery all excepting herself were given employment. It has remained inexplicable as to why the concerned workman

should leave her employment in the hard days specially when she accepted the position of her transfer. Her case is that her name has been entered in Form 'B' register at No. 92. This position is also revealed from Identity Card (Ext. W-1). Admittedly the management is the custodian of Form 'B' Register. Column 8 of prescribed Form 'B' Register provides for recording the date of termination of service of any workman or leaving of employment by any workman. I have already stated that the management has taken up the plea that the concerned workman did not like to join her appointment at Balihari Colliery and left her employment. The management could have easily proved this by producing the prescribed Form 'B' Register. But this has not been done with the result that adverse presumption as per Section 114(g) of the Indian Evidence Act must be drawn against it. Thus I come to the conclusion that the concerned workman did not leave her employment on her own. On the other hand, she reported for duty at Balihari Colliery after being transferred from Bhagaband Colliery.

8. The concerned workman has stated that she approached the Agent, Personnel Officer, Manager and other high-ups with prayer to give her assignment for duty and that all of them assured her but nothing came out. This position is also supported by the letter of the concerned workman addressed to the Agent Bhagaband Colliery on 3-11-1982 (Ext. W-2). It has been alleged by the management that this letter is a manufactured one for the purpose of this case but the carbon copy of the original letter indicates that somebody of the colliery has received the original letter with his signature. It appears from evidence of W.W. 2, Ram Nath Singh, a person associated with the union to which the concerned workman belonged that the clerk of Bhagaband Colliery received the original letter. The management could have proved by producing any competent witness that this letter was manufactured. But it has not done so. On the other hand, none of the witnesses for the management has been examined on this point. Considering all these facts and circumstances I come to the inescapable conclusion that there is no reason to hold that the letter in question is a manufactured one as alleged by the management. MW-1, N. K. Sinha, was posted as Personnel Officer in Bhagaband Colliery from January, 1977 to October, 1982. He has stated that the concerned workman never turned up before him while he was working in Bhagaband Colliery in order to submit a representation either verbally or in writing alleging that she was not provided with any job at Balihari colliery. But his evidence does not render any fillip to the case of the management because it may be that during the period he was the Personnel Officer in Bhagaband Colliery the concerned workman might not have turned up before him with any prayer for employment or with a submission that she was not provided with any work at Balihari Colliery.

9. By her letter dated 30-11-1982 the concerned workman prayed before the Agent of Bhagaband Colliery for allowing her to join work. But the management does not seem to have given any reply to her letter. The union the concerned workman belonged to, by its letter dated 30-3-83, stated in details the case of the concerned workman to the Asstt. Labour Commissioner (C), Dhanbad (Ext. W-1). In this letter the union has dwelt at length that the concerned workman and another were transferred from Bhagaband Colliery to Balihari Colliery on 28-8-1975 by an order of Sri Puli, Sub-Area Manager, Sub-Area No. XIII and that the management of Balihari Colliery did not engage them in any work and all other workmen except the concerned workman were transferred back to Bhagaband Colliery where they were given work but the concerned workman was stopped from work without any notice. This letter also discloses the fact that the concerned workman also approached the authorities of Bhagaband Colliery for work. Considering the entire evidence on record I have no hesitation to come to the conclusion that the concerned workman, on her transfer to Balihari Colliery on 28-8-75, was not provided with any work there and that she was not even engaged for work as casual wagon loader at Bhagaband Colliery. There is no evidence on record to indicate that there was no sufficient work of wagon loading at Bhagaband Colliery even when the concerned workman reported back there for allotment of duty. It is not even the case of the management that since there

was no sufficient work at Bhagaband Colliery the concerned workman was not allotted any duty after she reported that she was not allowed to join her duty at Balihari Colliery. The case of the management is that the concerned workman left her employment on her own as she did not like her transfer to Balihari Colliery. But I have already stated before that the management could not prove this aspect of the case against the concerned workman. It is common knowledge that after nationalisation of coal mines there has been tremendous spurt in the production of coal which requires transport to different centres of the country for consumption. And in the matter of helping the process of transport wagon loaders have a role to play since mechanisation of coal industry is not of all embracing. However, the fact is that the concerned workman was engaged as casual wagon loader in the pool of casual workers at Bhagaband Colliery and that on her transfer to Balihari Colliery she did not leave her employment as alleged by the management, but made solicitations to the management for being engaged as a workman both at Balihari and at Bhagaband Colliery although in vain.

10. Considering these facts and circumstances I hold first to the view that the management should not be allowed to get rid of the concerned workman in the way it has done. Accordingly I hold that the action of the management of Bhagaband Colliery of M/s. Bharat Coking Coal Limited in not providing employment Srimati Reshma Teli from September, 1975 is not justified. The management is directed to give her employment in conformance to service rules on the expiry of one month from the date of publication of the award in the official gazette. Let an award be passed accordingly.

11. In the circumstances of the case the parties to bear their own costs.

S. K. MITRA, Presiding Officer
[No. L-20012(171)83-D. III (A)]

नई दिल्ली, 13 अक्टूबर, 1987

का.आ. 2933.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार गोपालीनाक कोलगरी, मैमर्स भारत कोकिंग कोल लिमिटेड के प्रबंधतात्र के मध्यवर्द्ध नियोजकों और उनके कर्मकारों के बीच, अनुवंश में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण मंज्या 2, धनवाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय गरकार की 29 मित्तम्बर, 1987 को प्राप्त हुआ था।

New Delhi, the 13th October, 1987

S. O. 2933.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2 Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Gopalchak Colliery of M/s. Bharat Coking Coal Limited and their workman, which was received by the Central Government on the 29th September, 1987.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD.

PRESENT :

Shri I. N. Sinha, Presiding Officer.

Reference No. 148 of 1985

In the matter of industrial dispute under Section 10(1) (d) of the I. D. Act., 1947.

PARTIES :

Employers in relation to the management of Gopalchak Colliery of M/s. Bharat Coking Coal Ltd. and their workmen.

APPEARANCES :

On behalf of the workmen

: Shri S. Bose,
: Secretary,
: R.C.M.S.

On behalf of the employers

: Shri B. Joshi,
: Advocate.

Industry : Coal.

State: Bihar.

Dated, Dhanbad, the 21st September, 1987

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(118)85-D.H. I(A), dated, the 30th October, 1985

SCHEDULE

"Whether the demand of Rashtriya Colliery Mazdoor Sangh that the workmen listed in the Annexure below should be departmentalised under the management of Gopalchak Colliery of M/s. Bharat Coking Coal Ltd. and should be paid wages under the National Coal Wages Agreement III with retrospective effect is justified? If so, to what relief are the concerned workmen entitled?"

ANNEXURE

1. Shri Farid Ansari
2. Shri Sahadat Ansari
3. Shri Salim Khan
4. Shri Rajendra Prasad
5. Shri Vinod Kumar Singh
6. Shri Ram Chandra Singh
7. Shri Ram Nath Mishra
8. Shri Ram Avadh Yadav
9. Shri Deo Lal Sao.
10. Shri Sukhdeo Singh
11. Shri Ram Tival
12. Shri Lakhman Sao.
13. Shri Md. Nayem Ansari
14. Shri Md. Kalim Khan

In this reference both the parties appeared but did not file W.S. etc. However, on 12-8-1987 both the parties appeared before me and filed a Joint Compromise petition under their signature. I heard the parties on the said petition of compromise. I do find that the terms contained therein are fair, proper and beneficial to both the parties. Accordingly I accept the same and pass an Award in terms of the said joint compromise petition which forms part of the Award Annexure.

I. N. SINHA, Presiding Officer.
[No. L-20012(118)85-D.III(A)]

ANNEXURE

BEFORE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, DHANBAD

In the matter of reference no. 148/85

PARTIES :

Employers in relation to the Management of Gopalicchuck Colliery of M/s. Bharat Coking Coal Ltd., P. O. Kusunda, Distt. Dhanbad.

AND

Their Workmen,

JOINT COMPROMISE PETITION OF THE EMPLOYERS AND WORKMEN

The above mentioned employers and workmen beg to submit jointly as follows :—

1. That the employers and workmen have jointly negotiated the matter directly as covered by the aforesaid reference with a view to coming to a mutually acceptable and amicable settlement.

2. That as a result of such direct negotiations, the parties have arrived at a settlement on the following terms:—

(a) That Sri Farid Ansari, Shri Sahadat Ansari, Shri Deolal Saw, Sri Binod Kumar Singh, Sri Sukdeo Singh, Shri Lakhan Saw, Shri Ram Nath Mishra, Shri Ramchandra Singh, Shri Ram Awadh Yadav, Shri Salim Khan, Sri Md. Naim Ansari, Sri Rajendra Prasad, Sri Ram Tewal & Sri Md. Kalim Khan, the workmen concern who have put in 190 and more days of attendance in any calendar year in year 1982-83, 83-84, 84-85, would be offered employment by the management as Miner/Loader without any back wages.

(b) That Union concerned The Rashtriya Colliery Mazdoor Sangh will certify the Photograph of these workers in regard to their genuineness and that the workers concerned will also file affidavits to the same effect. The said certificate and affidavit will also testify that the persons concerned are the real workers concerned in the aforesaid reference.

(c) That on fulfilment of the provisions referred to the clauses (a) & (b) above, the dispute referred to this Hon'ble Tribunal would stand finally resolved and that this Hon'ble Tribunal will be requested to pass an award accordingly.

3. That the provision clauses (a) & (b) above having been fulfilled the fourteen workers concerned by the aforesaid reference have already been provided employment by the Management as Miner/Loader in Gopalicchuck Colliery of Bharat Coking Coal Ltd., and they have started working in that capacity.

In view of the above the employers and the workmen most respectfully pray that the Hon'ble Tribunal may be pleased to dispose of the reference in terms of the joint compromise petition.

RABINDRA, Area President,
R.C.M.S.

P.B. Area,

For and on behalf of workmen,
Dhanbad, dated—

B. M. LALL, Dy. Chief Personnel Manager,
P. B. Area.
for and on behalf of employers.

S. N. Sahi, Dy. Personnel Manager,
Pootkee Balihari

का.आ. 2934— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार, मैसर्स भारत कोकिंग कॉल लिमिटेड के बोकेशनल सेन्टर के प्रबंधतंत्र के सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, संख्या 2, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 29 सितम्बर, 1987 को प्राप्त हुआ था।

S.O. 2934.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Bharat Coking Coal Limited, Vocational Training Centre and their workmen, which was received by the Central Government on the 29th September, 1987.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri I. N. Sinha, Presiding Officer.

Reference No. 97 of 1985

In the matter of industrial dispute under Section 10(1)(d) of the I.D. Act, 1947

PARTIES :

Employers in relation to the management of M/s. Bharat Coking Coal Limited's Vocational Training Centre, Sendra and their workmen.

APPEARANCES :

On behalf of the workmen—Shri S. Bose, Secretary, R.C.M.S.

On behalf of the employers—Shri G. Prasad, Advocate.
STATE : Bihar. INDUSTRY : Coal.

Dhanbad, the 21st September, 1987

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(44)/85-D. III(A), dated the 26th June, 1985.

SCHEDULE

"Whether the action of the management of M/s. Bharat Coking Coal Limited in reducing the basic wages of Shri Rajkeshwar Chouhan of Vocational Training Centre, Sendra from Rs. 18.50 to 15.80 per day and also denying him the wages of Category-VI with effect from July, 1982 is justified? If not, to what relief is the workman concerned entitled and from what date?"

In this reference both the parties appeared and filed their respective W.S. etc. Thereafter the case proceeded alongwith its course. Ultimately on 11th September, 1987 both the parties appeared and filed a Joint petition of compromise before me. I heard the parties on the said petition of compromise and I find that the terms contained therein are fair, proper and beneficial to both the parties. Accordingly I accept the same and pass an Award in terms of the said Joint compromise petition which forms part of the Award as Annexure.

I. N. SINHA, Presiding Officer
[No. L-20012(44)/85-D. III(A)]

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, DHANBAD

Reference No. 97/85

Employers in relation to the management of M/s. Bharat Coking Coal Limited (Vocational Training Centre) Sendra

AND

Their workmen represented by the Rashtriya Colliery Mazdoor Sangh.

The humble joint petition of compromise on behalf of the parties most respectfully sheweth :—

(1) That, the Ministry of Labour New Delhi by a Notification No. L-20012(44)/85-D. III(A) dated 21st June, 1985, has referred the instant industrial dispute as per schedule noted below for an adjudication under section 10(1)(d) / (2A) of the industrial disputes Act, 1947 to this Hon'ble Tribunal.

SCHEDULE

“Whether the action of the management of M/s. Bharat Coking Coal Limited in reducing the basic wages of Sri Rajkishwar Chouhan of Vocational Training Centre, Sendra from Rs. 18.50 per day to Rs. 15.80 per day and also denying him wages of category VI with effect from July 1982 is justified? If not, to what relief is the workman concerned entitled and from what date?”

(2) That the parties discussed about the instant industrial dispute mutually between themselves and have settled the same on the following terms and conditions :—

- (i) That it was agreed that this case shall be settled by giving the wage protection to the workman in the category IV in which he work. As regards payment of arrears arising out of fixation this shall be paid with effect from March, 1983.
- (ii) That the settlement is fair and proper and resolves all the disputes between the parties.
- (iii) That it was agreed that the Hon'ble Tribunal may be requested to pass an Award in terms of the settlement.
- (iv) That the workman shall not be entitled to any other claim or benefits whatsoever.

It is, therefore, prayed that your honour may be graciously pleased to hold that the settlement is fair and proper and to pass an award in terms of the settlement and for this act of kindness the parties shall ever pray.

Representing employer

Sd/-
Sd/-Representing workmen
Sd/-Workman concerned
Witnesses :(1) Sd/-
(2) Sd/-

का.आ. 2935.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार जामादोबा कोलरी, मैमर्स टाटा आयरन एवं स्टील कंपनी लिमिटेड के प्रबंधतंत्र के सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण संख्या 1, धनबाद के पंचाट की प्रकाशित करती है, जो केन्द्रीय सरकार को -29 सिसम्बर, 1987 को प्राप्त हुआ था।

S.O. 2935.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Jamadoba Colliery of M/s. Tata Iron and Steel Company Limited and their workmen, which was received by the Central Government on the 29th September, 1987.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL

TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947

Reference No. 80 of 1982

PARTIES :

Employers in relation to the management of Jamadoba Colliery of Messrs. Tata Iron and Steel Company Limited, P.O. Jamadoba, Dist. Dhanbad.

AND

Their Workmen.

PRESENT :

Shri S. K. Mitra, Presiding Officer.

APPEARANCES :

For the Employers : Shri S. S. Mukherjee, Advocate.
For the Workmen : Shri S. Bose, Secretary, Bihar Colliery Kamgar Union.

STATE : Bihar.

INDUSTRY : Coal.
Dhanbad, the 22nd September, 1987

AWARD

The Central Government in the Ministry of Labour has, by Order No. I-20012(274)/82-D.III(A) dated, the 7th December, 1982, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute to this Tribunal for adjudication :—

“Whether the action of the management of Jamadoba Colliery of Messrs. Tata Iron and Steel Co. Ltd., Post Office Jamadoba, Dist. Dhanbad in not protecting the wages of Sri Raghunath and also in not giving the benefit of National Coal Wage Agreement I and II is justified? If not, to what relief the workman is entitled?”

2. The case of the management is as follows :

Sri Raghunath was initially appointed a Miner in Jamadoba Colliery with effect from 1-10-1954. While on duty he met with an accident on 28-3-1974 and was declared unfit for his original job as a Miner. He was discharged on medical ground with effect from 7-8-1974. After discussion and at the request of the recognised union, namely, Rashtriya Colliery Mazdoor Sangh, the management agreed for re-employment of Raghunath in Category I job on compassionate ground. Accordingly, the management re-employed him as a Category I Mazdoor with effect from 9-12-1974. The grade of Category I Mazdoor was Rs. 5.00-0.10-6.00 at the relevant time as per Central Coal Wage Board Recommendations, 1967. Although on re-employment he was not entitled to wages above the grade of Category I Mazdoor, the management protected his basic wages on the basis of his average earning which he had been getting as a Miner. He was, therefore, given Rs. 12.41 per day as basic wages which was more than the prescribed rate of a Category I Mazdoor. His basic wages was frozen at Rs. 12.41 per day for the rest of his service. The National Coal Wage Agreement I came into effect from 1-1-1975 in terms of which the grade of Category I Mazdoor was revised as Rs. 10.00-0.20-12.00 per day. Since the basic wages of the concerned workman was frozen at Rs. 12.41 which was more than the maximum prescribed by National Coal Wage Agreement I for Category I Mazdoor, the question of benefit and revision of the basic wages of the concerned workmen in the grade fixed by National Coal Wage Agreement did not arise. Neither the

workman nor the union concerned raised any dispute regarding the protection of the wages or other benefit as per National Coal Wage Agreement I with regard to the concerned workman. National Coal Wage Agreement II came into effect from 1-1-1979. It was decided by the management that in respect of all those who have rehabilitated on or after 1-1-1979 should be given normal increment in the grade in which they had been placed after rehabilitation till they reached the maximum of the grade in case their frozen rate fell within the grade of their substantive post. Accordingly the frozen basic rate i.e. Rs. 12.41 per day of the concerned workman was revised and fixed at the rate of Rs. 17.60 per day and he is being given benefit of the annual increment in the scale of Rs. 15.00-0.26-18.12 per day as prescribed for Category I workmen under National Coal Wage Agreement.

The union raised the present belated dispute sometime in the year 1981 after about six years from the date of implementation of National Coal Wage Agreement I and two years from the date of implementation of National Coal Wage Agreement II. It is submitted by the management that its action is justified and the present belated dispute has no substance.

3. The Secretary, Rashtriya Colliery Mazdoor Sangh, submitted W.S. on behalf of the concerned workman in which it has been stated as follows:—

The concerned workman met with a serious accident on 8-3-1974 in the course of his employment. He was declared medically unfit for his original job and discharged from service with effect from 7-8-1974. He was considered for alternative employment and was re-employed on 9-12-74 as Category I Mazdoor on a basic wages of Rs. 5.00 per day. His wages were not protected and the concerned workman approached recognised union, namely, Rashtriya Colliery Mazdoor Sangh; the union took up his case and after necessary discussion with the management his daily rate was fixed at Rs. 12.41 instead of Rs. 5.00 per day with effect from 9-12-1974. He was paid nothing special and the management made necessary correction in its calculation of the wages for the concerned workman. During the implementation of National Coal Wage Agreement I the case of the concerned workman was not considered and his basic wages were not revised. From 1-1-75 to 31-12-1978 he was deprived of the wages recommended by National Coal Wage Agreement I and he continued to get the same basic wages of Rs. 12.41 per day during the aforesaid period. Since the wages of the concerned workman was not properly fixed during implementation of National Coal Wage Agreement I his wages were not fixed during the implementation of National Coal Wage Agreement II and he was wrongly placed at Rs. 17.60 per day instead of Rs. 18.16 per day. In the circumstances it has been prayed that the concerned workman be paid his due wages since 1-1-1975.

4. At the time of hearing of this reference the management has examined one witness, namely, MW-1, A. K. Singh and exhibited some documents which have been marked as Exts. W-1 to W-3.

5. The union or the concerned workman has not examined any witness nor any documentary evidence has been laid.

6. It is undisputed position that Raghunath was initially appointed a Miner in Jamadoba Colliery belonging to M/s. TISCO with effect from 1-10-1954 and that while on duty he met with a major accident on 28-3-1974 and that the accident was of such a magnitude that his left leg had to be amputated little above the knee. (Ext. M-2). There is no dispute that he was discharged on medical ground with effect from 7th August, 1974. It is also the admitted position that after discussion with and at the instance of the recognised union, namely, Rashtriya Colliery Mazdoor Sangh, the management agreed for re-employment of the concerned workman and that he was actually re-employed as Category I Mazdoor with effect from 9-12-1974 (Exts. M-2 and M-1). It has been denied and disputed by the management that the concerned workman was provided with an alternative employment by his re-employment as Category I Mazdoor. The concerned union and the workman has asserted that it was as alternative employment. The minutes of the union-management meeting held on 21-11-1974 (Ext. M-2) discloses that the management, sympathising the case of the concerned workman and keeping in view the request made

by the union, agreed for an alternative job to the concerned workman. The letter of appointment issued to the concerned workman discloses that he was re-appointed a Category I Mazdoor on surface, (Ext. M-1). It may be pointed out here that earlier the concerned workman was employed as a Miner in Jamadoba Colliery. Thus it is evident that the concerned workman was provided with an alternative job as a Category I Mazdoor on surface with effect from 9-12-1974. Needless to mention that the concerned workman was re-appointed a Category I Mazdoor on surface as daily rated worker.

7. There is no dispute that N.C.W.A.I came into effect from 1-1-1975 and that before this agreement came into force the wages of the workmen were used to be determined by Central Coal Wage Board Recommendations, 1967. As per Central Coal Wage Board Recommendations, 1967, the grade of Category I Mazdoor was Rs. 5.00-0.10-6.00. It is the case of the management that the concerned workman was given Rs. 12.41 per day as basic wages and in that way his basic wages were protected. MW-1, A. K. Singh, has testified in support of the case of the management. There is no evidence contra-laid by the concerned workman or the union to disprove this position. Hence I come to the conclusion that the wages of the concerned workman were protected by the management when he was re-appointed a Category I Mazdoor (daily rated) on surface.

8. With the introduction of the National Coal Wage Agreement the grade of Category I Mazdoor was revised to Rs. 10.00-0.20-12.00 per day. It is the case of the management that since the wages of the concerned workman was Rs. 12.41 per day and since that was more than the maximum of wages admissible to Category I Mazdoor the question of revision of his basic wages did not arise. I consider that the position is really so.

9. There is no dispute that the N.C.W.A. II came into effect from 1-1-1979 and that the existing rate of Category I Mazdoor was revised from Rs. 10.00-0.20-12.00 to Rs. 15.00-0.26-18.12. It is the case of the management that the wages of the concerned workman was revised and fixed at Rs. 17.60 per day in terms of N.C.W.A.II. The concerned workman has not disputed this position by any individual. Thus it is seen that the wages of the concerned workman was protected when he was re-appointed Category I Mazdoor (daily rated) and that his wages have been revised and fixed in terms of N.C.W.A.I & II. It transpires from evidence that the concerned workman is now a permanent employee of the management.

10. Considering all these facts and circumstances I hold that the contention of the concerned workman and his union that the management of Jamadoba Colliery of M/s. Tata Iron & Steel Co. Ltd. did not protect the wages of the concerned workman and did not give him the benefit of N.C.W.A.I & II is not justified. As a matter of fact the management has protected the wages of the concerned workman and given him the benefit of N.C.W.A.I & II. Accordingly an award is passed holding that the management of Jamadoba Colliery of M/s. Tata Iron & Steel Co. Ltd. has protected the wages of the concerned workman and given him the benefit of N.C.W.A.I & II and the contention of the workman and his union to the contrary is not justified.

11. In the circumstances of the case parties to bear their own costs.

S. K. MITRA, Presiding Officer
[No. L-20012/274/82-D.III(A)]

का.आ. 2936.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आल्कुसा कालयरी, मैसर्स भारत कोकिंग कोल लिमिटेड के प्रबंधतात्व के सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 29 मित्रावर, 1987 को प्राप्त हआ था।

S.O. 2936.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal Asansol as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Alkusa Colliery of M/s. Bharat Coking Coal Limited and their workmen, which was received by the Central Government on the 29th September, 1987.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL
Reference No. 37/83

PRESENT :

Shri G. P. Roy, Presiding Officer.

PARTIES :

Employers in relation to the management of Alkusa Colliery of M/s. Bharat Coking Coal Ltd., Dhanbad.

AND

Their workman.

APPEARANCES :

For the Employers—Sri Ramji Prasad, Sr. P.O.
For the Workman—None.

INDUSTRY : Coal.

STATE : Bihar.

Dated, the 23rd September, 1987

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them U/S 10(1)(d) of the Industrial Disputes Act, 1947, referred the dispute to the Central Government Industrial Tribunal-cum-Labour Court No. 3, Dhanbad for adjudication under Order No. L-20012 (152)/83-D. III(A) dated the 1st October, 1983. Subsequently by Order No. A-11020/61/82-CLT dated the 28th March, 1985 of the Ministry of Labour the said Tribunal namely Central Government Industrial Tribunal-cum-Labour Court No. 3, Dhanbad was shifted to Asansol and it started functioning as the Central Government Industrial Tribunal-cum-Labour Court, Asansol. Consequently all the pending cases before the Central Government Industrial Tribunal-cum-Labour Court No. 3, Dhanbad became the subject matter of the Central Government Industrial Tribunal-cum-Labour Court, Asansol including the present case. Accordingly the final award in connection with this case is passed today by this Tribunal at Asansol.

SCHEDEULE

“Whether the action of the management of Bhagaband Area of Messrs Bharat Coking Coal Limited, Dhanbad in not promoting Shri D. N. Banerjee Grade I Clerk to special Grade, while promoting his juniors is justified? If not, to what relief is the workman entitled?”

2. During the pendency of this Reference case, on 30-9-86 the management as well as the workmen submitted a joint petition of compromise regarding the settlement of the dispute amicably by them out of Court. In the said petition it was prayed by both the parties for acceptance of the compromise in full and final settlement of the dispute between the parties before the Tribunal. It was also stated therein that there was no subsisting dispute between the parties after the said amicable settlement.

3. Today when the case was taken up for hearing Shri Ramji Prasad, Sr. Personnel Officer was present on behalf of the management and submitted that the terms of the compromise had already been implemented and that the case might be decided and necessary award might be passed by the Tribunal in terms of the compromise petition. The terms of compromise appear to be legal and reasonable and beneficial to the workman. Accordingly the terms of compromise are accepted.

4. The award is made accordingly in terms of the settlement and the terms of the settlement do form part of the award.

5. Requisite copies of the award along with terms of the settlement be sent to the Ministry.

G. P. ROY, Presiding Officer
[No. L-20012(152)/83-D.III(1)]

MEMORANDUM OF SETTLEMENT UNDER RULE 58 OF THE CENTRAL INDUSTRIAL DISPUTE RULES OF THE I.D. ACT

PRESENT :

Management representatives :

1. Shri B. M. Lall, Personnel Manager.
2. Shri D. Kumar, Manager Alkusa.
3. Shri A. K. Mitra, Sr. P.O. Alkusa.

Union/Workmen representatives :

- (1) Shri T. N. Yadav, RCMS.
- (2) Shri D. N. Banerjee, Alkusa.

SHORT RECITAL OF THE CASE

RCMS raised an industrial dispute over non-grant of Clerical Grade Special to Shri D. N. Banerjee who is said to be superseded by Shri T. C. Prasad and Shri S. S. Thakur. This dispute culminated in Reference No. 37/83 which is sending before the Industrial Tribunal No. 3. During the pendency of the reference, the case was discussed between the parties and after lengthy discussions it is agreed as under :

TERMS OF SETTLEMENT

- (1) Shri D. N. Banerjee is promoted with effect from 1-3-1980 i.e. the date Shri T. C. Prasad was promoted in Clerical Grade Special. He will get notional seniority from 1-3-1980 and the monetary benefit will accrue to him from 1-1-1986.
- (2) Copy of the settlement will be filed before the Industrial Tribunal No. 3 with the prayer from both the parties for acceptance of the settlement in full and final settlement of the above Reference before the Hon'ble Tribunal.
- (3) There is no subsisting dispute as the dispute stands settled, finally.

Signature of the Parties :

Sd/- B. M. Lall
Personnel Manager.

Sd/- D. Kumar
Manager, Alkusa Colliery.
Sd/- A. K. Mitra
Sr. P.O. Alkusa Colliery.

Witness :

Sd/- Illegible.
30-9-86.

Sd/- T. N. Yadav
Rashtriya Colliery Mazdoor Sangh.
Sd/- D. N. Banerjee
30-9-1986.
Alkusa Colliery.

का. आ. 2937.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार फुलारी ताण्ड कोलियरी मैसर्स भारत कॉकिंग कोल लिमिटेड के प्रबंधतंत्र के सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, संख्या 2, धनबाद के पंचाट की प्रकाशित करती है, जो केन्द्रीय सरकार को 29 मित्तम्बर, 1987 को प्राप्त हआ था।

S.O. 2937.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Phularit and Colliery of M/s. Bharat Coking Coal Limited, and their workmen, which was received by the Central Government on the 29th September, 1987.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri J. N. Sinha, Presiding Officer.

Reference No. 174 of 1986

In the matter of industrial dispute under Section 10(1)(d) of the I.D. Act, 1947

PARTIES :

Employers in relation to the management of Phularit and Colliery of Messrs. Bharat Coking Coal Limited

AND

Their workmen.

APPEARANCES :

On behalf of the workmen—Shri S. Bose, Secretary, R.C.M.S.

On behalf of the employers—Shri R. S. Murthy, Advocate.

STATE : Bihar.

INDUSTRY : Coal.

Dhanbad, the 21st September, 1987

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. I-20012(377)/85-D. III(A), dated, Nil.

SCHEDULE

“Whether the action of the management of Phularit and Colliery of M/s. Bharat Coking Coal Limited in dismissing from service their workman, Shri Ramesh Bouri, Miner/Loader in March, 1984 was justified? If not, to what relief is the workman concerned entitled?”

In this reference both the parties made their appearance but did not file W.S. Ultimately when the case was fixed on 7th September, 1987 both the parties appeared before me and filed a settlement. I heard the parties on the said settlement petition which appears to me to be fair and proper. Accordingly I accept the same and pass an Award in terms of the settlement which forms part of the Award as Annexure.

I. N. SINHA, Presiding Officer
[No. L-20012(377)/85-D. III(A)]
P. V. SREEDHARAN, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER CENTRAL GOVERNMENT, INDUSTRIAL TRIBUNAL NO. 2 AT DHANBAD

Petition of compromise in Reference No. 174/86
Employers in relation to the Management of Phularit and Colliery.

AND

Their workman.

The humble petitioner on behalf of the parties above dispute most respectfully shewth:—

- That without prejudice to the respective contentions of the parties contained in the written statement, they have agreed to settle the dispute on the following terms:—

TERMS OF SETTLEMENT

1. Sri Ramesh Bouri, Miner/Loader of Phularit and Colliery shall be reinstated as Miner/Loader with immediate effect, subject to Medical fitness.

(b) That Sri Ramesh Bouri shall not claim for wages or consequential benefit what so ever may be.

(c) That the period of idleness from 24-10-83 to the date of his resumption of duty shall be treated as disengaged and the same period shall be treated as continuity of service for the purpose of his calculation of gratuity only.

(2) That in view of the settlement there remains nothing to be adjudicated.

It is, therefore, humbly prayed that the settlement may kindly be accepted as fair & proper and Award may be passed in terms of settlement.

Signature of Representing the Management :

Sd/-

(V. R. Joshi),
Personnel Manager,
Bajra Area.

Sd/-

(U. P. Singh),
Sr. Personnel Officer,
Bajra Area.

Signature of Representing the workman/Union.

Sd/-
(Shankar Bose)
R.C.M.S.
Sd/-
(Basudev Sarkar)

Br. Secy. R.C.M.S.
Phularit and Colliery.

नई विल्सी, 9 अक्टूबर, 1987

का.आ. 2938 :—केन्द्रीय सरकार को यह प्रतीत होता है कि निम्नलिखित स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुमंज्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध सम्बन्धित स्थापन को लागू किये जाने चाहिए :—

1. मैसर्स इंडस्ट्रीशल सिक्योरिटी गार्ड्स सेन्टर, कृपालपुर हाउस, कोर्ट गेट, के सामने कोठी कम्पाउण्ड रीवा (मध्य प्रदेश) और इसकी नाम मन्दिर रिहिया रोड, हंसकुप के पास बी-देवघर, बिहार स्थित शाखा।

2. मैसर्स एम.पी. सिक्योरिटी सर्विसेज (प्राईवेट) लि., आफिम 69 आकाश गंगा कम्प्लेक्स, सुवेला भिलाई और इसकी गूँड़ नानक मार्किट, बैशालीनगर, भिलाई स्थित शाखा।

अतः केन्द्रीय सरकार उक्त धारा नियम की धारा-1, की उप धारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबन्ध उक्त स्थापनों को लागू करनी है।

[संख्या एस-35019(41)/87-एम.एस-2]

New Delhi, the 9th October, 1987

S.O. 2938.—Whereas it appears to the Central Government that the employers and the majority of employees in relation to the following establishments have agreed that the provisions of the Employees' Provident Funds and

Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to their respective establishments, namely :—

1. M/s. Industrial Security Guards Centre, Kripalpur House, Opp. Court Gate Kothi Compound, Rewa (M.P.), including its branch Office at Nag Mandir, Rikhi Road (near Hansupur) B-Deoghar, Bihar.
2. M/s. M. P. Security Services (Private) Limited, 69, Akash Ganga Complex, Supela, Bhilai, including its Branch at Gurunanak Market, Vaishali Nagar, Bhilai.

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the above mentioned establishments.

[S-35019(41)/87-SS. II]

का.आ. 2939 :—केन्द्रीय सरकार को यह प्रतीत होता है कि निम्नलिखित स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध सम्बन्धित स्थापन को लागू किये जाने चाहिए।

1. मैसर्स विशाल इन्टलीजेंस एण्ड सिक्यूरिटी ब्यूरो, 169, 6 ब्लॉक, राजाजी नगर, बंगलौर-10
2. मैसर्स प्रकाश नगर क्रेडिट को-ऑपरेटिव सोसाइटी लि., नं. 256, 7वा क्रास रोड, 10वां मेन प्रकाश नगर, बंगलौर-21
3. मैसर्स अरुणा थियेटर, 19/बी (98) सोलावानगर, श्रीनामपुरम, बंगलौर-21
4. मैसर्स श्री गणपति लारी ट्रान्सपोर्ट कम्पनी (रजिस्टर्ड), के-89, कामन गुडी रोड, बंगलौर-53
5. मैसर्स ताल्लुक एंग्रीकल्चरल मार्केटिंग को-ऑपरेटिव सोसाइटी लि. ०, डोडावालापुर
6. मैसर्स दी मालबर आक्सीजन कम्पनी प्राइवेट लि., 189बी, वैकमफेडी हैंडस्ट्रीयल एरिया, मंगलौर-10 और इसका गोविन्दराव हाऊस आर.बी.ए. दो पाइरी मिराजा मार्गोदा, गोवा स्थित रजिस्टर्ड कार्यालय

अतः केन्द्रीय सरकार उक्त धारा नियम की धारा 1, की उप धारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबन्ध उक्त स्थापनों को लागू करती है।

[संख्या एस-35019(42)/87-एस.एस-2]

S.O. 2939.—Whereas it appears to the Central Government that the employers and the majority of employees in relation to the following establishments have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to their respective establishments, namely :—

1. M/s. Visal Intelligence and Security Bureau, 169, VI Block, Rajaji Nagar, Bangalore-10
2. M/s. Prakash Nagar Credit Co-operative Society Limited, No. 256, 7th Cross Road, 10th Main, Prakash Nagar, Bangalore-21.

3. M/s. Aruna Theatre, 19/B(98) Selavanagar, Sriram-puram, Bangalore-21.
4. M/s. Sree Ganapathy Lorry Transport Company (Registered), K-89, Kamman Kundi Road, Bangalore-53.
5. M/s. Taluk Agricultural Produce Marketing Co-operative Society Limited, Doddabalapur.
6. M/s. The Malabar Oxygen Company (Private) Limited, 189, 'B' Baikampady Industrial Area, Bangalore-10, including its Registered office at Govind Roy House, RVA-DO-Padre, Miranda, Margao, Gao.

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the Provisions of the said Act to the above mentioned establishments.

[S-35019(42)/87-SS-II]

का.आ. 2940 :—केन्द्रीय सरकार को यह प्रतीत होता है कि निम्नलिखित स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध सम्बन्धित स्थापन को लागू किये जाने चाहिए :

1. मैसर्स श्री नाथ जी आफसैट प्रिन्टर्स, 142-144/4, जी आई डी सी स्टेट नरोडा, अहमदाबाद।
2. मैसर्स प्रात्यक्ष लिंग एण्ड फाइल्स लि., अरुण-खण्ड, नारायण-चैम्बर्स आश्रम रोड, अहमदाबाद।
3. मैसर्स इंडिया लाइनमें नारायण पोट्री के पीछे सेज-पुर बाधा, नरोडा रोड, अहमदाबाद।
4. मैसर्स हरजोतन दास जुधाई जावरी, 3/4 भूमि-तल, चिनुभाई आश्रम रोड, अहमदाबाद।
5. मैसर्स महाबीर मैटल वर्क्स, 1-4 जी आई डी सी स्टेट ओधाबां रोड, ओधाबां अहमदाबाद।
6. मैसर्स जे. बालाजी ट्रूफ़स प्राइवेट लि., स्टेट हाईवे नं. 68, पालाम देहान, निला अहमदाबाद।
7. मैसर्स प्रैसर पार्ट्स इंजीनियरिंग कम्पनी, सी-67, पंचवटी सोनारी, गोरवा, वडोदा।
8. मैसर्स गार्डन छिजाईन सेन्टर, एफ बी-१, आलम्बिक कालोनी, वडोदा-३।

9. मैसर्स नेप्या चेन कारांगा मेनसन कपासिंग बाजार अहमदाबाद और इसका 30 ग्रीन हाऊस, ग्रीन स्ट्रोट, बम्बई-२३।

अतः केन्द्रीय सरकार उक्त धारा नियम की धारा 1, की उप धारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबन्ध उक्त स्थापनों को लागू करती है।

[संख्या एस-35019(43)/87-एस.एस-2]

S.O. 2940.—Whereas it appears to the Central Government that the employers and the majority of employees in relation to the following establishments have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to their respective establishments namely,

1. M/s. Shree Nathji Offset Printers, 142-144/4, G.I.D.C. Estate, Naroda, Ahmedabad.
2. M/s. Growth Leasings and Finance Limited, 4th Floor, Narayan Chambers Ashram Road, Ahmedabad.
3. M/s. India Liners Behind Narayan Pottery Saijpur Bogha, Naroda Road, Ahmedabad.
4. M/s. Harjivandas Juthabhai Zaveri, 3/4, Ground Floor, Chinubhai Centre, Ashram Road, Ahmedabad.
5. M/s. Mahavir Metal Works, 1-4, G.I.D.C-Estate, Odhav Road, Odhav Ahmedabad.
6. M/s. J. Balaji Tubes Private Limited, State Highway No. 68, Palaya, Dehgam District Ahmedabad.
7. M/s. Pressure Parts Exporting Company, C/67, Panchavati Society, Gorwa, Baroda.
8. M/s. Garden Design Centre, F. B. 91, Alambic Colony, Baroda.
9. M/s. Narmada Chem. Karuva Mansion, Karuva Bazar, Ahmedabad-2 including its office at 30 Green House, Green Street, Bombay-23.

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the above mentioned establishments.

[S-35019(43) 87-SS-II]

का. आ. 2941.—यह: मैसर्स सउदी अराबियन एयररेट्स, एक्सप्रेस टावर, नीय खंड, नरिमान पाइन्ड, बम्बई-400021 (इसके आगे जड़ों भी उक्त स्थापना शब्द का प्रयोग दी इससे अभिगात उक्त स्थापना में है) ने कर्मचारी भविष्य निधि और प्रकोप उत्तराधिकार, 1952 (1952 का 19) इसके आगे उक्त अधिकार के नाम से निर्दिष्ट (को धारा 17 की उआया (1) के खंड (क) के अंतर्गत छूट प्राप्त करने के लिए आवेदन किया है।

यह केन्द्र सरकार की राय में उक्त स्थापना के कर्मचारियों के लिए उत्तराधिकार की भविष्य निधि नियमों में अंशदान की दर उक्त अधिकार को धारा 6 में उत्तिक्रिया कर्मचारी अंशदान की दर से कम नहीं है तथा इसके कर्मचारियों को मिलने वाले भविष्य निधि लाभ उक्त अधिकार तथा कर्मचारी भविष्य निधि स्कीम, 1952 (इसके आगे जहां कठों भी स्कीम शब्द का प्रयोग किया गया है उससे अभिप्राय उक्त स्कीम में है) में उत्तिक्रिया नामों से कठों भी प्रकार से कम नहीं है जो इस बांग को लगानामों में कार्रवत कर्मचारियों को उत्तराधिकार है।

अब इसनिए उक्त अधिनियम की धारा 17 की उपधारा एक के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और संवग अनुसूची में वर्णित गतीयों के अधीन केन्द्रीय सरकार इसके द्वारा उक्त स्थापना को उक्त स्कीम के सभी उपबन्धों के लागू होने से छूट प्राप्त करती है।

अनुसूची

1. उक्त स्थापना से संबंधित नियोजना केन्द्रीय सरकार के द्वारा समय-समय दिए गए नियम के अनुसार उक्त अधिनियम की धारा 17 की उपधारा (3) के खंड (क) में उल्लिखित नियमण के लिए सुविधाएं प्रदान करेगा और ऐसे नियमण प्रभार की अदायगी प्रत्येक माह की समाप्ति के 15 दिन के अन्दर करेगा।
2. न छूट प्राप्त स्थापनाओं के संबंध में उक्त अधिनियम और उनके अंतर्गत स्कीम के अंतर्गत देय अंशदान के दर से स्थापना के भविष्य निधि नियमों के अंतर्गत देय अंशदान का दर किसी समय भी कम न होगा।
3. पेशगियों के मामले में छूट प्राप्त स्थापना की कर्मचारी भविष्य निधि स्कीम, 1952 से कम होकर नहीं होगी।
4. उक्त स्कीम में कोई भी संशोधन की स्थापना के बर्तावान नियमों से अधिक लाभकारी है उन पर अपने आप लागू किया जाएगा। उक्त स्थापना के भविष्य निधि नियमों में कोई भी संशोधन, क्षेत्रीय भविष्य निधि आयुक्त की पूर्व अनुमति के बाहर नहीं किया जाएगा और जहां किसी संशोधन से उक्त स्थापना के कर्मचारियों के हित के प्रतिकूल प्रभावी होने की संभावना है वहां अपनी अनुमति देने से पूर्व, क्षेत्रीय भविष्य निधि आयुक्त, कर्मचारियों को अपने विचार प्रस्तुत करने का उचित अवसर देगा।
5. यदि स्थापना को छूट न दी जाती तो वे सभी कर्मचारी (जिसे उक्त अधिनियम की धारा 2(च) में निश्चित किया गया है) जो सदस्य बनाने के पात्र होते, सदस्य बनाए जाएंगे।
6. जहां एक कर्मचारी जो कर्मचारी भविष्य निधि (कानूनी) या किसी अन्य छूट-प्राप्त स्थापना का पहले से सदस्य है, को अपनी स्थापना में काम पर लगाया जाता है तो नियोजना उसे निधि का तुरन्त सदस्य बनाएगा और ऐसे कर्मचारों के लिए नियोजना के पास भविष्य निधि लेखे में संबंधों को अंकित करते और उनके लेख में जाना कराने को अवश्य करेगा।
7. केन्द्रीय भविष्य निधि आयुक्त के द्वारा अथवा केन्द्रीय सरकार के द्वारा जैसे भी मामला हो, समय-समय पर दिए गए नियमों के अन्तर्गत भविष्य निधि के प्रबन्ध के लिए नियोजना न्यायी बोर्ड की रथापना करेगा।
8. भविष्य निधि, न्यायी बोर्ड में निहित होगा जो अन्य आतों के होने हुए भविष्य निधि में आय के उचित लेखों और भविष्य निधि से अदायगियों और उनकी अभिरक्षा में शेषी के लिए कर्मचारी भविष्य निधि संगठन के उत्तरदायी होगा।

9. न्यासी बोर्ड कम से कम 3 मास में एक बार बैठक करेंगे और केन्द्रीय सरकार द्वारा समय समय पर जारी किए गए मार्ग निदेशों के अनुसार कार्य करेंगे। केन्द्रीय भविष्य निधि आयुक्त को अधिकार होगा कि वह किसी अन्य योग्य लेखा परीक्षक से खातों को दुबारा लेखा परीक्षा कराएं और तेंमें पुनः लेखा-परीक्षा के खर्च नियोक्ता वहन करेगा।

10. प्रत्येक वर्ष स्थापना के लेखा परीक्षित तुलन-पत्र के साथ लेखापरीक्षित वार्षिक भविष्य निधि लेखों की एक एक प्रति विनीय वर्ष की समाप्ति के छः माह के अन्दर क्षेत्रीय भविष्य निधि आयुक्त को प्रस्तुत की जाएगी। इस प्रयोजन के लिए भविष्य निधि का वित्तीय वर्ष पहली अप्रैल से 31 मार्च तक होगा।

11. नियोक्ता प्रतिमाह भविष्य निधि के देय अपने कर्मचारियों के अंशदानों की आगामी माह की 15 तारीख तक न्यासी बोर्ड को अंतरित कर देगा। अंशदानों की विलम्ब में अदायगी करने के लिए समान परिस्थितियों में नियोक्ता नुकशानी देने का उसी प्रकार उत्तरदायी होगा जिस प्रकार एक ना-छूट प्राप्त स्थापना उत्तरदायी होती है।

12. न्यासी बोर्ड सरकार द्वारा समय समय दिए गए निदेशों के अनुसार निधि में जमा राशियों का निदेश करेगा। प्रतिभूतियां न्यासी बोर्ड के नाम पर प्राप्त की जाएंगी और भारतीय रिजर्व बैंक के जमा नियन्त्रण में अनुसूचित बैंक की अभिरक्षा में रखा जाएगा।

13. सरकार के निदेशों के अनुसार निदेश न करने पर न्यासी बोर्ड अलग-अलग रूप से और एक साथ केन्द्रीय भविष्य निधि आयुक्त या उसके प्रतिनिधियों द्वारा लगाए गए अधिक प्रभार का उत्तरदायी होगा।

14. न्यासी बोर्ड एक वस्तु-व्यीरा रजिस्टर तैयार करेगा और ब्याज और विमोचन आय को समय पर वसूली सुनिश्चित करेगा।

15. जमा किए गए अंशदानों निकाले गए और प्रत्येक कर्मचारी से संबंधित व्याज को दिखाने के लिए न्यासी बोर्ड विस्तृत लेखे तैयार करेगा।

16. वित्तीय/लेखा वर्ष की समाप्ति के छः माह के अंदर बोर्ड प्रत्येक कर्मचारी को वार्षिक लेखा विवरण के

स्थान पर पासबुक जारी कर सकता है। ये पास-बुकों कर्मचारियों की अभिरक्षा में रहेंगी और कर्मचारियों के प्रस्तुतीकरण पर बोर्ड के द्वारा उन्हें अद्यतन किया जाएगा।

18. लेखा वर्ष के पहले दिन आदि शेष पर प्रत्येक कर्मचारी के लेखों में ब्याज उस दर से जमा किया जाएगा जिसके न्यासी बोर्ड निर्णय करे परन्तु यह उक्त स्कीम के पैरा 60 के अन्तर्गत केन्द्रीय सरकार द्वारा धोषित दर से कम नहीं होगा।

19. यदि न्यासी बोर्ड कंपनी सरकार द्वारा धोषित व्याज की दर इस कारण से कि निवेश पर आय कम है या किसी अन्य कारण से अदा करने में असमर्थ है तो इस कमी को नियोक्ता पूरा करेगा।

20. नियोक्ता भविष्य निधि की चोरी के कारण, लूट सूट, ध्यानत, गवन अथवा किसी अन्य कारण से हुई हानि को पूरा करेगा।

21. नियोक्ता और न्यासी बोर्ड, क्षेत्रीय भविष्य निधि आयुक्त को ऐसी विवरणियां प्रस्तुत करेंगे जो समय समय पर केन्द्रीय सरकार/केन्द्रीय भविष्य निधि आयुक्त निर्धारित करें।

22. उक्त स्कीम के पैरा 69 की शैली पर किसी कर्मचारी को निधि के सदस्य न रहने पर यदि स्थापना के भविष्य निधि नियमों में नियोक्ताओं के अंशदानों को जब्त करने की व्यवस्था है तो न्यासी बोर्ड इस प्रकार जब्त की गई राशियों का अवग से लेखा तैयार करेगा और उसे ऐसे प्रयोजनों के लिए उपयोग करेगा जो केन्द्रीय भविष्य निधि आयुक्त को पूर्व अनुमति से सुनिश्चित किया गया हो।

23. स्थापना के भविष्य निधि के नियमों में किसी वात के होने पर भी यदि स्थापना के कर्मचारी के सदस्य न रहने पर या उसके अन्य स्थापना में स्थानान्तरण होने पर उसको उपदान और वेशन नियमों के अंतर्गत अदा की जाने वाली नियोक्ता और कर्मचारी की राशि, नियोक्ता और कर्मचारी अंशदान की व्याज सहित उस राशि से कम है जो उसे इस समय प्राप्त होती जब वह उक्त स्कीम का सदस्य होता, तो नियोक्ता मुआवजे के रूप में या विशेष अंशदान के रूप में राशि का अन्तर अदा करेगा।

24. नियोक्ता, भविष्य निधि के प्रशासन से संबंधित सभी खबरें जिसमें लेखों के रब-रखाव रिट्टन प्रस्तुत किए जाने, राशियों का अंतरण शामिल है, वहन करेगा।

25. स्थापना से संबंधित नियोक्ता निरीक्षण के लिए ऐसी मुविधाएं प्रदान करेगा और प्रत्येक माह को समाप्ति पर 15 दिन के अंदर ऐसे निरीक्षण प्रभार अदा करेगा जो समय भस्य पर केन्द्रीय सरकार उक्त अधिनियम की धारा 17 की उपधारा (3) के खंड (क) के अंतर्गत निश्चित करें।

26. नियोक्ता समुचित प्राधिकारी द्वारा अनुमोदित निधि के नियमों की एक प्रति तथा जब भी कोई समोदर्श होता है, उसको मुळ्य बातों को कर्मचारियों के बहुमत की भाषा में अनुवाद करके स्थापना के बोर्ड पर लगाएगा।

27. “समुचित सरकार” स्थापना की चालू छूट पर और शर्तें लगा सकती है।

28. यदि उक्त अधिनियम के अंतर्गत स्थापना वर्ग जिसमें उसकी स्थापना आती है, पर अंशदान की दर बढ़ायी जात है, नियोक्ता भविष्य निधि अंशदान की दर उचित रूप

बहुएगा, ताकि उक्त अधिनियम के अंतर्गत दिए जाने वाले लाभों से स्थापना की स्कीम के अंतर्गत दिए जाने वाले भविष्य निधि के लाभ किसी भी प्रकार से कम न हों।

29. उक्त शर्तों में से किसी एक के उल्लंघन पर छूट रद्द की जा सकती है।

[फा. सं. एस-35012/23/87—एस: एस-2
ए. के. भट्टाराई, अवर सचिव

S.O. 2941.—Whereas Messrs. Saudi Arabian Airlines, Express Tower 3rd Floor Nariman Point Bombay-400021 (hereinafter referred to as the said establishment) has applied for exemption under clause (a) of sub-section (1) of section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the said Act);

And whereas in the opinion of the Central Government the rules of the provident fund of the said establishment with respect to the rates of contribution are not less favourable to employee therein than those specified in section 6 of the said Act and the employees are also in enjoyment of other provident fund benefits which on the whole are not less favourable to the employees than the benefits provided under the said Act or under the Employees' Provident Funds Scheme 1952 (hereinafter referred to as the said Scheme) in relation to the employees in any other establishment of a similar character;

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of Section 17 of the said Act and subject to the conditions specified in the Schedule annexed hereto, the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme.

THE SCHEDULE

1. The employer in relation to the said establishment shall provide for such facilities for inspection and pay such inspection charges as the Central Government may from time to time direct under clause (a) of sub-section (3) of section 17 of the said Act within 15 days from the close of every month.

2. The rate of contribution payable under the provident fund rules of the establishment shall at no time be lower than those payable under the said Act in respect of the unexempted establishments and the said Scheme framed thereunder.

3. In the matter of advances, the Scheme of the exempted establishment shall not be less favourable than the Employees Provident Fund Scheme, 1952.

4. Any amendment to the said scheme which is more beneficial to the employees than the existing rules of the establishment shall be made applicable to them automatically. No amendment of the rules of the provident fund of the said establishment shall be made without the previous approval of the Regional Provident Fund Commissioner and where any amendment is likely to affect adversely the interest of the employees of the said establishment, the Regional Provident Fund Commissioner shall before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

5. All employees (as defined in section 2(f) of the said Act) who would have been eligible to become members of the Provident Fund had the establishment not been granted exemption shall be enrolled as members.

6. Where an employee who is already a member of the Employees' Provident Fund (Statutory) or a provident fund

of any other exempted establishment is employed in his establishment, the employer shall immediately enrol him as a member of the fund and arrange to have the accumulations in the provident fund account of such employee with his previous employer transferred and credited to his account.

7. The employer shall establish a Board of Trustees for the management of the provident fund according to such directions as may be given by the Central Provident Fund Commissioner or by the Central Government, as the case may be from time to time.

8. The Provident fund shall vest in the Board of Trustees who will be responsible for and accountable to the Employees Provident Fund Organisation inter-alia for proper accounts of the receipts into and payments from the Provident fund and the balances in their custody.

9. The Board of Trustees shall meet at least once in every three months and shall function in accordance with the guidelines that may be issued from time to time by the Central Government/Central Provident Fund Commissioner or an officer authorised by him.

10. The accounts of the Provident Fund maintained by the Board of Trustees shall be subject to audit by a qualified independence Chartered Accountant annually. Where considered necessary, the Central Provident Fund Commissioner shall have the right to have the accounts re-audited by any other qualified auditor and the expenses so incurred shall be borne by the employee.

11. A copy of the audited annual provident fund accounts together with the audited balance sheet of the establishment for each accounting year shall be submitted to the Regional Provident Fund Commissioner within six months after the close of the financial year. For this purpose the financial year of the provident fund shall be from the 1st of April to the 31st of March.

12. The employer shall transfer to the Board of Trustees the contributions payable to the Provident fund by himself and the employees by the 15th of each month following the month for which the contributions are payable. The employer shall be liable to pay damages to the Board of Trustees for any delay in payment of the contributions in the same manner as an unexempted establishment is liable under similar circumstances.

13. The Board of Trustees shall invest the monies in the fund as per directions that may be given by the Government from time to time. The securities shall be obtained in the name of the Board of Trustees and shall be kept in the custody of a Scheduled Bank under the Credit Control of the Reserve Bank of India.

14. Failure to make the investments as per directions of the Government shall make the Board of Trustees severally jointly liable to surcharge as may be imposed by the Central Provident Fund Commissioner or his representative.

15. The Board of Trustees shall maintain a script wise register and ensure timely realisation of interest redemption proceeds.

16. The Board of Trustees shall maintain detailed accounts to show the contributions credited, withdrawal and interest in respect of each employee.

17. The Board shall issue an annual statement of account to every employee within six months of the close of financial accounting year.

18. The Board may, instead of the annual statement accounts, issue pass book to every employee. These pass book shall remain in the custody of the employees and will be up-to-date by the Board on presentation by the employees.

19. The account of each employee shall be credited with interest calculated on the opening balance as on the 1st day of accounting year at such date as may be decided by the Board of Trustees but shall not be lower than the rate declared by the Central Government under para 60 of the said Scheme.

20. If the Board of Trustees are unable to pay interest at the rate declared by the Central Government for the reason that the return on investment is less or for any other reason then the deficiency shall be made good by the employer.

21. The employer shall make good any other loss that may be caused to the Provident Fund due to theft, burglary, defalcation, misappropriation or any other reason.

22. The employer as well as the Board of Trustees shall submit such returns to the Regional Provident Fund Commissioner as the Central Government, Central Provident Fund Commissioner may prescribe from time to time.

23. If the Provident Fund rules of the establishment provide for forfeiture of the employees' contributions in cases where an employee ceases to be a member of the fund on the lines of para 69 of the said Scheme, the Board of Trustees shall maintain a separate account of amounts so forfeited and may utilise the same for such purposes as may be determined with the prior approval of the Central Provident Fund Commissioner.

24. Notwithstanding anything contained in the rules of the Provident Fund of the establishment if the amount payable to any member upon his ceasing to be an employee of the establishment or transferable on his transfer to any other establishment by way of employer and employees' contribution plus interest thereon taken together with the amounts if any payable under the Gratuity or pension rules to less than the amount that would be payable as employer's and employees' contribution plus interest thereon if he were a member of the Provident Fund under the said Scheme, the employer shall pay the difference to the member as compensation or special contribution.

25. The employer shall bear all the expenses of the administration of the Provident Fund including the maintenance of accounts, submission of returns, transfer of accumulations.

26. The employer shall display on the notice board of the establishment, a copy of the rules of the fund as approved by the appropriate authority and as and when amended hereto alongwith a translation of the salient points thereof in the language of the majority of the employees.

27. The "appropriate Government" may lay down any further conditions for continued exemption of the establishment.

28. The employee shall enhance the rate of provident fund contributions appropriately if the rate of provident fund contribution for the class of establishment in which his establishment falls is enhanced under the said Act so that the benefits under the Provident Fund Scheme of the establishment shall not become less favourable than the benefits provided under the said Act.

29. The exemption is liable to be cancelled for violation of any of the above conditions.

[F. No. 35012(23)|87-SS.II]
A. K. BHATTARAI, Under Secy.

नई दिल्ली, 9 अक्टूबर, 1987

का. आ. 2942:—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, सीनियर डिविजनल इलेक्ट्रिकल इंजीनियर वैस्टर्न रेलवे बड़ीदा और असिस्टेंट इलेक्ट्रिकल इंजीनियर वैस्टर्न रेलवे अहमदाबाद के प्रबंधतंत्र में सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण अहमदाबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार वो 25 मित्तम्बर, 1987 को प्राप्त हआ था।

New Delhi, the 9th October, 1987

S.O. 2942.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Ahmedabad, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Senior Divisional Electrical Engineer, Western Railway Baroda and Assistant Electrical Engineer, Western Railway, Ahmedabad and their workmen, which was received by the Central Government on the 25th September, 1987.

BEFORE SHRI G. S. BAROT, PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL (CENTRAL), AHMEDABAD

Reference (IT) No. I of 1983

ADJUDICATION

BETWEEN

1. The Senior Divisional Electrical Engineer, Western Railway, Baroda.
2. The Assistant Electrical Engineer, Western Railway, Ahmedabad.

AND

The workmen employed under them. (Through Pashchim Railway Karmchari Parishad, Ahmedabad).

In the matter of retrenchment of Sarvashri Navin P. and Jayantilal Nogia w.e.f. 13-10-78 and 5-6-78 respectively.

AWARD

The industrial dispute between the Senior Divisional Electrical Engineer, Western Railway, Baroda, the Assistant Electrical Engineer, Western Railway, Ahmedabad and Pashchim Railway Karmchari Parishad, Ahmedabad and their workmen has been referred to me under Section 10(1)(d) of the Industrial Disputes Act, 1947, by the Government of India, Ministry of Labour and Rehabilitation's Order No. L-41011 (8)/82-D. II(B) dated 16-2-1983.

2. The dispute relates to a single demand of the workmen which is as under:—

"Whether the action of the Senior Divisional Electrical Engineer, Western Railway, Baroda and the Assistant Electrical Engineer, Western Railway, Ahmedabad in retrenching the services of S/Shri Navin P. and Jayantilal Nogia w.e.f. 13-10-78 and 5-6-78 respectively is justified? If not, to what relief the workmen are entitled to."

3. It appears that soon after the reference was received, usual notices were issued to the parties to file their respective statements. However, the Rojnama shows that although the matter used to be adjourned from time to time in order to give sufficient opportunity to the workman to have his say in the matter, the workman or their Union have never remained present or filed the statement of claim. I see from the record that several notices have been duly served on the Pashchim Railway Karmchari Parishad, Ahmedabad. And yet, it has not cared either to remain present or even to send a communication explaining his absence. It is clear from the record that this matter has been pending before this Tribunal from February, 1983 and more than four years have elapsed during which notices used to be issued to the Union. No useful purpose would be served by keeping this matter pending any further inasmuch as it is very clear that the Union is not interested in this case. Under these circumstances, it has been decided to hear and dispose of the matter ex-parte. I, therefore, reject the demand made by the Union for want of prosecution. No order as to costs.

Ahmedabad.

Dated : 18th August, 1987.

G. S. BAROT, Presiding Officer
[No. L-41011/8/82-D.II
HARI SINGH, Desk Of

